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ADVANCEMENT OF WOMEN

Violence against women migrant workers

Report of the Secretary-General

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I. INTRODUCTION

1. In resolution 50/168 on violence against women migrant workers, the General Assembly made a number of recommendations for action and requested the Secretary-General to convene a meeting of an expert group, with the participation of the Special Rapporteur of the Commission on Human Rights on violence against women and under the regular programme of the Division for the Advancement of Women of the Secretariat, for the purpose of drawing up recommendations for improving coordination among United Nations agencies on the issue of violence against women migrant workers and developing concrete indicators as a basis for determining the situation of women migrant workers, for submission through normal channels to the General Assembly at its fifty-first session.

2. As requested, the Secretary-General convened an expert group meeting on violence against women migrant workers. The meeting was held in Manila from 27 to 31 May 1996 at the invitation of the Government of the Philippines, and was attended by experts and observers from a number of sending and receiving countries, intergovernmental organizations, organizations of the United Nations system and non-governmental organizations. The Special Rapporteur was unable to attend the meeting due to previous commitments related to her mandate but sent a message that was taken into account by the meeting.

3. As requested in operative paragraph 8 of the above-mentioned resolution, the conclusions and recommendations of the expert group meeting were submitted to the Economic and Social Council (E/1996/71, annex) as a normal channel; the Council took note of the report.

4. The conclusions and recommendations adopted by the expert group meeting are contained in the annex to the present report. In order to assist the Assembly in considering the recommendations, the Secretary-General wishes to call its attention to his previous reports to the Assembly at its forty-ninth (A/49/354) and fiftieth (A/50/378) sessions. In addition, in order to provide a wider basis for consideration the present report includes information provided by the 20 Member States who had responded by 26 August 1996 to the Secretary-General's note verbale requesting information on the implementation of Assembly resolution 50/168, 1/ as well as a review of action taken by a number of United Nations bodies 2/ over the past year. The attention of the General Assembly is also drawn to the report of the Secretary-General on trafficking in women and girls (A/51/309).

II. CONCLUSIONS AND RECOMMENDATIONS ADOPTED BY THE EXPERT GROUP MEETING ON VIOLENCE AGAINST WOMEN MIGRANT WORKERS

5. The conclusions and recommendations of the expert group meeting on violence against women migrant workers (see annex) are presented for the consideration of the General Assembly as they were adopted, with reservations as expressed reflected in the notes to the annex to this report. As requested, the meeting concentrated its attention on the two issues specified by the Assembly in its

resolution 50/168: (a) indicators and (b) improving coordination among organizations of the United Nations system with respect to the problem.

6. The expert group meeting made extensive recommendations on the types of indicators that might be used. The Secretary-General draws the attention of the Assembly to the fact that the indicators cover both the issue of violence against women and the issue of tracking international migration conditions. At present, there are no internationally agreed indicators for violence against women, and the work of the expert group meeting could be considered a starting point for work on such indicators. The expert group meeting has recommended that the United Nations facilitate the development of standardized procedures for the data collection recommended, and that it encourage all sending and receiving countries to collect and share such data. Given the current extent of knowledge of the situation of violence against women migrant workers, the expert group recommended that the appropriate United Nations body/entity undertake as soon as possible a series of studies in selected sending and receiving countries with the objectives of (a) obtaining valid basic data on the extent and nature of violence against women migrant workers, and (b) obtaining an in-depth understanding of the impact of violence on women migrant workers, their families and their communities.

7. The expert group meeting also made a number of recommendations on coordination at the level of the United Nations system, which mainly involve integrating the issue of violence against women migrant workers into existing mechanisms and programmes. To the extent that such mechanisms or programmes are seized of the issue, such integration can be achieved, but further consideration will be required. The expert group meeting recommended that the Administrative Committee on Coordination (ACC) serve as the focal point within the United Nations system responsible for effectively coordinating initiatives concerning violence against women migrant workers. In that capacity, ACC, its task forces and the Inter-Agency Committee on Women should examine the mandates and policies of agencies and bodies of the United Nations to identify where their work could be enhanced concerning violence against women migrant workers. In addition, ACC should undertake a comprehensive review of the effectiveness of existing policies on migration, women and violence against women in order to identify the gaps in fully addressing issues related to violence against women migrant workers. The Secretary-General will bring those recommendations to the attention of the appropriate bodies of ACC.

III. ACTIONS TAKEN BY ORGANIZATIONS OF THE UNITED NATIONS SYSTEM ON THE SITUATION OF WOMEN MIGRANT WORKERS

8. During the year since the Assembly took up the issue of women migrant workers, a number of intergovernmental bodies and organizations of the United Nations system have undertaken further work on the subject.

A. Commission on the Status of Women

9. At its fortieth session, the Commission on the Status of Women adopted resolution 40/6 on violence against women migrant workers. In addition to reiterating operative paragraphs from General Assembly resolution 50/168, the Commission invited States concerned, specifically those sending and receiving women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and ensuring health, legal and social services for them; to adopt specific measures to address those problems, setting up, as appropriate, linguistically and culturally accessible services and mechanisms to implement such measures; and in general to create conditions that foster greater harmony and tolerance between women migrant workers and the rest of the society in which they reside. The Commission further encouraged States Members of the United Nations, particularly those from which women migrant workers originate and those that play host to them, to ensure the protection of the rights and fundamental freedoms of women migrant workers, as defined by international conventions and agreements and taking into account the outcome of recent international conferences. It recognized the vulnerability to violence and other forms of abuse of women migrants, including women migrant workers whose legal status in the host country depends on the employers who may exploit their situation. Finally, the Commission called upon States to explore the possibility of adopting measures to prevent the victimization of women migrant workers by sexual traffickers and to penalize such traffickers, including the ratification of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. 3/

B. Commission on Human Rights

10. As recommended in General Assembly resolution 50/168, the Commission on Human Rights, at its fifty-second session, dealt with the issue of violence against women migrant workers and adopted resolution 1996/17, in which, in addition to reaffirming operative paragraphs from the General Assembly resolution, the Commission welcomed the scheduling of the expert group meeting on violence against women migrant workers; invited the Special Rapporteur on violence against women to continue to include among the urgent issues pertaining to her mandate the violence perpetrated against women migrant workers; and decided to continue to consider the question at its fifty-third session.

11. The Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities considered the issue at its twenty-first session, in July 1996, and adopted recommendation 21/9 on migrant workers, in which it noted that foreign migrant workers are frequently subject to discriminatory rules and regulations that undermine human dignity, such as by forcing them to live separately from their spouses and minor children, sometimes for extended periods, and are often victims of violence, racism and xenophobia. The Working Group also noted cases of migrant domestic workers who are unpaid, subject to various abuses and deprived of all their rights. It urged States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 4/ and to take necessary measures to sanction employers for the

confiscation of passports belonging to migrant workers, in particular migrant domestic workers. The Working Group recommended that non-governmental organizations give attention to the grave problems affecting migrant workers and provide the Working Group with relevant information. Finally, it recommended to the Subcommission that it examine the issue at its forty-eighth session.

C. Commission on Crime Prevention and Criminal Justice

12. The Secretary-General submitted to the Commission on Crime Prevention and Criminal Justice, at its fifth session, a report on a draft plan of action on the elimination of violence against women, including the observation and comments of Governments thereon (E/CN.15/1996/11 and Corr.1); by extension, the plan of action covers women migrant workers. The plan of action was revised by the Commission during its session and is now entitled "Practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women" (E/CN.15/1996/CRP.12).

13. During the discussion by the Commission, it was emphasized that violence against women occurs in all spheres of private and public life, and that such violence has reached alarming proportions. The vulnerability of women in conflict situations was stressed. The matter can only be remedied by making achievements in gender equality and making other improvements in the status of women; no State can claim to have done all that it can in that regard. It is of vital importance in situations of violence against women to break the cycle of violence and ensure that the use of violence against women does not become a learned behaviour and that victims are able to escape the violent environment. As for measures to eliminate violence against women, it is essential to enact legislation that would make it a criminal offence to perpetrate violence against women in any form and would punish the perpetrators of such violence. Other important measures in that area include providing specialized training for practitioners; establishing centres for assistance and advice; assisting victims by facilitating their access to justice and recovery from the victimizing event; and working with the media to avoid gender stereotyping. There is a need for measures to assist particularly vulnerable groups of women, including women migrant workers.

14. It was noted that the measures outlined in the above-mentioned report of the Secretary-General pursue the goals of the Beijing Declaration and Platform for Action (A/CONF.177/20, chap. I, resolution 1, annexes I and II) adopted by the Fourth World Conference on Women. They implement and build upon the Platform's strategic objectives D.1-D.3 on the elimination of violence against women, and strategic objectives L.1-L.9 on discrimination against the girl child, which fall squarely within the purview of the work of the Commission on Crime Prevention and Criminal Justice (see E/1996/30, paras. 50 and 51).

15. In its draft resolution III, the Commission recommended to the Economic and Social Council, inter alia, that it urge Member States to adopt a number of measures for the elimination of violence against women, and request the Secretary-General to seek the views of Member States and others on the draft practical measures and strategies referred to above, for submission to the

Commission at its sixth session. The resolution was adopted by the Council as its resolution 1996/12.

IV. COMMENTS PROVIDED BY GOVERNMENTS

16. The replies of the 20 Member States who responded to the Secretary-General's request for information are analysed below in terms of their implications for policy decision-making by the Assembly. The analysis highlights the main trends in the approach of the responding States in dealing with the issue of violence against migrant women workers.

17. Most replies considered that workers' human rights should be protected regardless of their residential status, and indicated that Governments have established national legislation to that end. Such legislation often does not make a distinction between men and women, and includes both preventive and protective measures. In addition, several countries stressed that they do not make a distinction between legal and illegal migrant workers where human rights are concerned. Hence, when a worker is ill-treated by her or his employer, whether she or he is a citizen or migrant of the said country, her or his rights are legally protected under existing legislation.

18. The replies suggest, however, that there is wide acceptance that the issue of violence against female migrant workers needs to be placed on the global agenda. First, it is recognized that the majority of migrant workers are women. Second, a considerable number of migrant workers are involved in vulnerable sectors of labour markets, such as domestic service and entertainment. Third, domestic service, the most popular form of employment for female migrant workers, exposes women to the risk of violence in the household.

A. National legislation of receiving countries: preventive and protective measures

19. Most countries that are net recipients of migrant workers reported that there exist well established and effective national regulations, and that employers who ill-treat their employees are punished accordingly. Such regulations may form a part of the constitution, civic code, employment act, labour law, criminal law, women's charter and/or penal code. In many countries, incidents of violence are treated as cases of human rights violation. Some receiving countries also noted their screening mechanism, which controls the flow of migrants as well as providing a regular checking system on employers. A few countries have organized advocacy activities to increase public awareness of human rights issues, and in some countries, the Government has conducted special training of police force and immigration officials in order to increase the effectiveness of existing legislation. Many receiving countries reported that such measures are satisfactorily preventing violence against female migrant workers.

20. If, however, an act of violence is committed, many receiving countries have set up a response mechanism through which victims are given official assistance. Some Governments have conducted surveys in order to prepare appropriate victim-

support mechanisms. Protection provided to victims can include temporary housing; counselling; free legal advice, with or without interpreters; and repatriation support.

B. National legislation of sending countries: preventive and protective measures

21. Although they express their concern at the welfare of their nationals working abroad, some sending countries also noted the difficulties involved in monitoring their movements once workers have left their country of origin. Some countries reported that they screen workers leaving for another country as well as agencies or brokers who recruit workers. Public awareness activities have been organized in a few countries to inform potential migrant workers of the possible risks that they may be taking. A few Governments have set up coordinated networks with their national agencies abroad (e.g., consulates and embassies) to monitor the welfare of their nationals. Such networks also provide assistance to victims of violence.

22. Upon their return to their own countries, victims can be given assistance for rehabilitation through networks of government and non-governmental organizations. In addition, several sending countries reported on efforts to establish coordination arrangements with other countries for preventing violence against female migrant workers or providing protection.

C. Recommendations and suggestions

23. In their replies, some Governments have provided recommendations for dealing with the issue of violence against women migrant workers that should be taken into account together with those made by the expert group meeting on violence against women migrant workers; they are summarized below.

24. A number of countries have conducted a survey to review the situation of migrant workers in order to establish more appropriate measures for protecting their rights. Many countries that have not yet done so are nevertheless planning to conduct such surveys to improve the living and working condition of migrant workers. Several countries, however, have recognized that documented cases of violence and abuse against women workers usually understate the forms and levels of violence and abuse that they have actually experienced. In addition, many women workers tend not to report such cases, thus making it difficult for Governments to obtain realistic data.

25. Many countries expressed their willingness to tackle the problem in coordination with the United Nations. Most of the responding Governments have signed more than one international convention dealing with migration, violence and/or women's rights, and have implemented them in their constitutions. In addition, a few countries pointed to the limited influence that a single Government can exert and emphasized that international coordination is essential.

26. Several countries also welcomed the introduction of coordinated measures between receiving and sending countries. However, they noted that it would not be an easy matter to decide, for example, whether or not a Government should have criminal jurisdiction over foreign sex offenders.

27. A few countries felt strongly that the welfare of migrant workers is better addressed within the legal and administrative framework of the receiving country, a view derived from the assumption that people move because of the poverty in their own country. On the other hand, the responsibility of sending countries to educate their citizens before leaving the country was also stressed.

Notes

1/ Australia, Bahrain, Belgium, Cuba, Cyprus, Finland, Germany, Greece, Indonesia, Japan, Kenya, Kuwait, Mexico, Morocco, Philippines, Singapore, Spain, Turkey, Uganda and the United States of America.

2/ Including the Centre for Human Rights of the United Nations Secretariat, the Economic and Social Commission for Western Asia, the International Research and Training Institute for the Advancement of Women, the United Nations Population Fund and the International Labour Organization.

3/ General Assembly resolution 317 (IV).

4/ General Assembly resolution 45/158, annex.

ANNEX

Conclusions and recommendations adopted by the expert group
meeting on violence against women migrant workers

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I. PREAMBLE

1. Violence against women migrant workers is a serious, complex and sensitive issue. The plight of women migrant workers who become victims of physical, mental and sexual harassment and abuse at the hands of their employers, their intermediaries, or the police - a situation exacerbated by economic exploitation - is one that calls for concerted action at the international, national and regional levels.
2. Discussions at the Expert Group Meeting reflected the diversity of experiences and perspectives among sending and receiving countries. Such diversity illustrates the different conditions prevailing in different countries and the varied approaches that have been adopted in response to the problem.
3. Recognition of the increasing numbers of migrant women workers who are subjected to exploitation has grown over the past few years. Despite the growing attention and the creation of specific norms, procedures and institutions to protect migrant workers, serious gaps remain.
4. A major constraint to dealing with the issue has been the lack of adequate information, not only about the prevalence of violence but also about its extent and magnitude. Therefore, in dealing with the issue of violence against women migrant workers, there is a tendency to focus on a limited number of reported cases.

II. KEY ISSUES

A. Migration patterns and trends

5. The Meeting noted that a sharp acceleration in labour flows in the past decade had been accompanied by an increasing feminization of labour. The growing share of women migrating for employment had been concentrated in two unprotected sectors of the international labour market: those of domestic helpers and entertainers. The global demand for those gender-segregated jobs reflected the gender division of labour operative in most countries. At the same time, the number of women migrating through illegal, undocumented and clandestine channels had increased.
6. There was little doubt that, as a result of structural and demographic changes within the labour-receiving countries, the demand for overseas workers in what had been identified as "vulnerable categories" was expected to increase. That was owing to global restructuring, an expansion of the services sector, a rising female labour-force participation rate, and an ageing of the population in the receiving countries. On the other hand, the supply of workers from sending countries was almost unlimited. Among the causes were unemployment, large wage differentials between countries, and a web of social networks that encouraged and facilitated placement.

B. Report of the Special Rapporteur on violence against women

7. The Expert Group Meeting welcomed and acknowledged the message of the Special Rapporteur of the Commission on Human Rights on violence against women, Ms. Radhika Coomaraswamy. The Meeting fully endorsed the message of the Special Rapporteur, which articulated that violence against women was a fundamental issue of women's human rights. In addition, the Meeting endorsed the Special Rapporteur's statement that an analysis of the human rights of women migrant workers was essential in order to hold States accountable for the protection of their human rights.

C. Dynamics of violence against women migrant workers

8. The Meeting affirmed that women's rights were human rights, as had been reflected and affirmed in many United Nations human rights instruments and documents. The Vienna Declaration, a/ the Beijing Platform for Action, b/ the Convention on the Elimination of All Forms of Discrimination Against Women c/ and the Declaration on the Elimination of Violence Against Women d/ were critical documents in enabling the international community to redefine and expand the conceptual analysis of universally recognized rights and to make visible the violations to which women, including women migrant workers, were subjected.

9. The Expert Group reaffirmed General Assembly resolution 50/168 on violence against women migrant workers, recognizing the obligations of both sending and receiving countries to protect and promote the interests and human rights of women migrant workers. The Meeting further took note of the relevance of the Declaration on the Elimination of Violence Against Women d/ and General Recommendation No. 19 of the Committee on the Elimination of Discrimination against Women, on violence against women, to an understanding of the analysis of the issue at hand. It adopted the Declaration's definition of violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life". d/ The Group agreed that economic exploitation can be a form of violence.

10. Violence against women migrant workers should also be viewed from the wider context of gender-based violence. Violence against women migrant workers was part of the problem of violence perpetrated against women in general. The problem concerned both sending and receiving countries.

11. It was necessary to view the vulnerabilities of migrant women workers in the context of globalization and unequal economic and political relations between labour-importing and labour-exporting countries, and of competition among labour-exporting countries.

12. It was noted that processes of migration were fuelled by extensive business interests involved in recruitment and placement and the financing of migration for employment. That had led to a continuing debt burden on individual migrant women workers and their families. In certain cases, commercial interests had

overlapped with criminal elements involved in the trafficking and forced prostitution of women.

D. Impact of migration on employment

13. The Expert Group Meeting agreed that there were benefits and social costs involved in migration for employment at the levels of the individual, family, and community in both sending and receiving countries. To the extent that sending and receiving Governments perceived, benefits arising from - and therefore facilitated - the movements of women migrant workers, and acknowledge that such movements also carried a personal and social cost, it was imperative that such women be afforded the highest possible level of protection.

E. Abuses faced by women migrant workers

14. The Group agreed that the nature of the abuse faced by women migrant workers took both physical and non-physical forms. Women migrant workers experienced social, psychological, physical and sexual abuse at different stages of the migration process, from their recruitment, preparation, working abroad and return.

15. Long working hours, deceptive contractual arrangements, contract alterations and substitutions, the exploitative role of some intermediaries and lack of avenues for redress of grievances had been commonly reported. The lack of social contacts and support systems and the deprivation of family life posed a severe psychological toll on the women migrant workers. Physical and sexual abuse might range from verbal abuse to severe maltreatment, battering, rape and forced abortion. Economic exploitation had exacerbated the vulnerability of women migrant workers to abuse.

16. The Expert Group also identified the traumatic experiences of women migrant workers caught in situations of armed conflict and/or political and social turbulence in countries of destination. Set aside by employers, many women workers had suffered from rape, abuse and hardship in their attempts to secure their safety. Their premature return to their home countries was difficult because they faced the burden of huge debts and, in some cases, unwanted pregnancies.

17. The vulnerability of women migrant workers was intrinsically tied to their legal status. A migrant with an undocumented status was especially vulnerable. Typically, vulnerability arose from the asymmetry of the status of the employers and employees, which also entailed a relationship of dependency on the part of the employees towards their employers and their agents.

18. The vulnerability of domestic helpers was due not only to their migrant status but also to the fact that the occupations in which they were concentrated were not normally covered by the labour codes or social security provisions of host countries.

19. The nature of the relevant sectors, such as domestic service and entertainment, made the enforcement of legislation, especially that applying to female migrant workers, truly difficult. Prostitution subjected female migrants to harassment, raids and deportation.

20. Cross-cultural and language differences hindered understanding and often resulted in miscommunication between employers and the migrant women workers. Such misunderstanding could instigate physical and verbal abuse.

21. The Expert Group expressed concern over the conditions of irregular and undocumented women workers. The large flows of such workers were indicative of extensive trafficking networks within and between countries. Trafficking had placed the women migrants in very precarious employment situations, rendering them completely dependent on their employers and/or recruiters. That had resulted in substandard wages and exploitative terms and conditions of work. While both sending and receiving countries may have enacted laws to deal with the problem, many of them had proved ineffective. The Expert Group also noted that one of the ironies of restrictive immigration and emigration policies was their tendency to push women into illegal and unsupervised channels of migration and employment.

22. Violence against women migrant workers had both short-term and long-term effects on the individual woman, her family and her society. It not only caused damage to the physical and mental health of the victims but also left long-term psychological effects. It also exacted a toll on a country's image and esteem and eroded people's confidence in their Government's capacity to provide a decent life for its citizens and to protect them.

F. Policies and mechanisms to address violence against women migrant workers

23. The Meeting agreed that a single blanket approach to a complex set of problems may not benefit all parties concerned. It was necessary to take a differentiated approach to the delicate issue at hand.

24. Labour-sending countries needed to develop a comprehensive framework that would lead to the maximization of the development benefits of migration to the individual migrant and to the country, while minimizing its adverse effects.

25. Policies that would expand the national productive capacity to absorb potential and returning women migrant workers into the domestic economy were equally important. Such policy initiatives would reduce the pressure to emigrate on women migrant workers, thus affording them better protection in the long term.

26. Although several sending countries had extensive rules for regulating the work of private recruitment agents, many loopholes and violations existed. Restrictions such as a ban on the emigration of domestic helpers and minimum age requirements had proved ineffective.

27. Sending Governments needed to be more proactive in demanding rights for their migrant workers. Often, the issue of violence against women migrant workers was marginalized in the face of broader socio-political and economic relations between sending and receiving countries.

28. Sending States should provide orientation programmes to prepare potential women migrant workers for their future sojourn in receiving States. The envisaged preparation would include information about laws, the rights of migrant workers, culture, and working and living conditions in receiving countries. To prevent physical and sexual abuse, the prospective workers must be thoroughly informed of the dangers inherent in domestic work and should be trained in effective ways of responding to and removing themselves from abusive situations. Such information would include mechanisms for support services - e.g., shelters, mediation, and non-governmental organizations.

29. In the view of the Expert Group an important receiving country issue was the existence of immigration laws inimical to women migrant workers, such as deportation without recourse. Many of the countries that currently tacitly approved illegal migration to meet labour shortages needed to ensure that real demand for imported labour was met through legal channels which afforded protection to the migrants and recognized their genuine rights.

30. Where they did not exist, laws that ensured the protection of women migrant workers should be enacted by receiving countries.

31. In recognition of the contribution of women migrant workers, the receiving States should assure their welfare by providing basic services.

G. Collaborative efforts

32. As stated in General Assembly resolution 50/168, both sending and receiving countries have an obligation to seek mutual solutions to the identified problems. Governments of the sending and receiving States should consider entering into appropriate bilateral agreements and other arrangements which should provide guidelines on the best ways to deal with the problems of violence against women migrant workers.

33. A number of views were expressed on the importance of international and multilateral agreements and conventions - for example, the need to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, g/ conventions of the International Labour Organization and other international and regional conventions that were relevant to the protection of migrant women workers, on such matters as trafficking and prostitution, elimination of discrimination against women, slavery, forced labour and child labour. It was important to renew efforts to mobilize support in member States for the ratification and the accession to international conventions and instruments that were relevant to the promotion of the welfare of women migrant workers.

34. It was repeatedly stressed that it was essential to take a global approach to the issues of violence and the harmonization of policies in the direction of greater protection of the rights of women migrant workers.

35. The Expert Group noted that many United Nations organizations were involved in work related to issues of migration and violence against women migrant workers - the Commission on the Status of Women, the Commission on Human Rights, the Commission on Population and Development, the International Labour Organization, and the United Nations Development Fund for Women, and other United Nations human rights monitoring bodies.

H. Indicators and statistical data collection

36. The Group pointed out that good public policy needed to be based on facts about the actual situation of the people for whom the policy was being developed. Data were needed about the types of problems as well as their extent. Discrepancies existed in reports of the numbers of migrant workers, because they were based on different sources, including sending and receiving countries, and used different methodologies, including airport surveys and registration of contracts. The discrepancies hindered the comparability of data across States. Another problem in deriving a profile of migrant women workers arose because of the uncertain nature of their legal status.

37. As far as overt evidence of violence was concerned, there was massive underreporting, for four reasons: fear of reprisals, fear of deportation, the pressure of indebtedness, and shame and embarrassment. Even where reporting existed, it was fragmented, and information was not consolidated. The isolated and dependent nature of employment was an indicator of both of underreporting and an indication of the massive and hidden extent of abuse.

38. The Group agreed that the United Nations should facilitate the development of standardized procedures for the data collection recommended and encouraged all sending and receiving countries to collect and share such data. It also agreed that indicators of violence against women migrant workers should include all acts of exploitation and abuse of rights which reflected a perception of women as inferior and rendered them vulnerable to other forms of violence.

I. Empowerment strategies

39. The Expert Group recognized that there had been several creative and notable initiatives undertaken by migrant women workers themselves. They had organized self-help and support groups in such areas as counselling, skills training, legal and paralegal assistance, including information on rights, and social and recreational projects. With the assistance of sympathetic groups, they had also lobbied for the relaxation of restrictive governmental policies and the provision of, and greater access to, social services and benefits.

J. Role of the non-governmental organizations

40. The Expert Group considered as critical the important work of non-governmental organizations which had alerted the international community to violations of women's human rights and had provided research, documentation and the political will to find appropriate redress. It was important to encourage non-governmental organizations and other advocacy groups to be more involved not only in the identification of the problems but also in finding solutions through local, regional and international programmes. In that regard, non-governmental organizations should be enabled, supported and encouraged to do their work.

K. Statements of observers

41. Statements were made by official observers from the Governments of Belgium, Germany, Indonesia, Japan, Nigeria, the Philippines and Singapore and from the Committee on the Elimination of Discrimination against Women. Representatives from United Nations agencies and bodies also spoke - namely, the International Labour Organization (ILO), United Nations High Commissioner for Refugees (UNHCR), United Nations Population Fund (UNFPA), United Nations Development Fund for Women (UNIFEM), and the United Nations Development Programme (UNDP). The representative of the International Organization for Migration (IOM), an intergovernmental organization, also made a statement. Statements were read by the following non-governmental organizations: Third World Movement Against the Exploitation of Women (TW-MAE-W), No to Violence Against Women (NOVA), Association of Filipino Overseas Workers, Philippine Migrants Rights Watch, Yokohama Diocese Solidarity Centre for Migrants, and the Asian and Pacific Development Centre.

42. The observer from Singapore made four points in his statement which he wanted recorded. These were: first, that the issue of violence against women migrant workers should be seen in a wider context; secondly, that, as stated in the experts' papers, responsibility should be borne by sending and receiving countries; thirdly, that there appeared to be overall net benefits accruing to many women migrant workers; and fourthly, that there was need to acknowledge a differentiated approach to the issue, given the different domestic conditions prevailing in different countries.

III. RECOMMENDATIONS

43. Noting General Assembly resolution 50/168, in which the Assembly requested the Meeting "to develop concrete indicators as a basis for determining the situation of women migrant workers", the Expert Group made recommendations on indicators of violence and of vulnerability and on data on the general characteristics of women migrant workers and their situations, in the belief that they are essential for understanding the phenomenon of violence against women migrant workers.

A. Indicators of violence

44. Research and experience suggest that the following list of indicators of violence, while not exhaustive, includes the most significant types of violence inflicted on migrant workers, and it is recommended that data be collected on each of them. It is recognized that economic exploitation can in certain circumstances be seen as constituting a form of violence.

1. Economic exploitation

In the country of origin:

(a) Charging by agents over and above established governmental rates for documentation and processing, and the collection of unauthorized payments;

(b) Excessive rates of interest on loans for travel and other expenses.

In the receiving country:

(a) Non-payment or delay in payment of wages due under contract;

(b) Violation of wages agreed to in contract.

2. Social/psychological violence

(a) Living and working conditions substantially in breach of internationally and/or nationally agreed standards;

(b) Deprivation of access to social networks and social and religious facilities, and enforced isolation;

(c) Onset of illnesses diagnosed as relating to living and working conditions that breach conventions;

(d) Deprivation of access to medical and health facilities;

(e) Subjection to harassment, threats, punishment, intimidation, verbal abuse and ridicule.

3. Physical/sexual violence

Physical abuse and sexual harassment and abuse, including rape, by:

(a) Agents or governmental officials;

(b) Employers and others in their households.

4. Violence resulting from the operation of the legal system

(a) Unreasonable imprisonment, confinement or deportation;

(b) Unlawful or forced substitution of contracts;

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- (c) Unlawful withholding of passports and other documentation;
- (d) Absence and/or breach of contract.

B. Indicators of vulnerability f/, g/

45. The following list, while not exhaustive, covers those situations where research and experience suggest that women migrant workers are more vulnerable than the overall population of workers, and it is recommended that intervention be focused on them and other demonstrated situations of vulnerability. Although it may be difficult to present these situations in terms of precise and measurable indicators, it is suggested that both qualitative and quantitative indicators are important in relation to indicators of violence against women migrant workers and that specific indicators for the following can be developed in due course.

1. Invalid documentation

Women are recruited and moved abroad without appropriate valid documentation.

2. Recruitment of under-age women/girls

Women/girls who are under age, according to the legal definition of the sending country, are recruited.

3. Unauthorized agents

Recruitment is by agents in the sending countries who are not subject to governmental control in the form of licensing and accreditation, supervision and sanctions in accordance with governmental regulations and guidelines.

4. Inadequate preparation

Women move abroad without preparation that is in accord with governmental and/or international regulations and guidelines on preparation (which still need to be developed).

5. Inadequate sources of support

Women migrant workers abroad have no adequate source of support/assistance and/or no ability and/or right to gain access to such a source, in the form of:

- (a) A representative of their country;
- (b) An ombudsman or similar local authority;

/...

(c) A recognized non-governmental organization or other such support group;

(d) Any other suitable arrangement.

6. Inadequate reintegration services

Returning women migrant workers have no access to services designed to assist with their reintegration or, if necessary, their rehabilitation if they have been the victims of violence.

7. Violence in country of origin

Women go abroad because they have been the victims of violence in their countries of origin.

8. Inadequate regulations

Receiving countries have no clear governmental or international regulations or guidelines for women in general or specifically for women migrant workers on:

(a) Forms of abuse and violence;

(b) General working conditions.

C. Data on the general characteristics of women migrant workers

46. It is recommended that the following data on the general characteristics of women migrant workers and their situations be collected and used for identifying, analysing and understanding violence against women migrant workers:

1. General characteristics of departing women

(a) Basic socio-economic data;

(b) Demographic data;

(c) Occupation and income prior to departure;

(d) Province of origin;

(e) Country of destination;

(f) Intended occupation abroad;

(g) Source of recruitment;

(h) Motivation for going abroad to work;

- (i) General circumstances of families of origin;
 - (j) Role of intermediaries in recruitment.
2. General characteristics of women migrant workers in receiving countries
- (a) Numbers, by country of origin and type of occupation;
 - (b) Demographic data.
3. General characteristics of the situation prevailing in countries of origin
- (a) Unemployment rates and other relevant labour market data;
 - (b) Gender bias (as measured by UNDP); h/
 - (c) Domestic violence, incidence of;
 - (d) Legislation, regulations and other protective arrangements applicable to the rights of workers.
4. General characteristics of the situation prevailing in receiving countries
- (a) Legislation, regulations and other protective arrangements applicable to local women in employment and women migrant workers;
 - (b) Gender bias (as measured by UNDP); h/
 - (c) Domestic violence, incidence of.

D. Methods of data collection

47. Noting that it is important to collect both qualitative and quantitative data, the Expert Group recommended the following forms of data collection for use, inter alia, in relation to the range of indicators shown:

1. Data collection in sending countries

- (a) Routinely collected national-level data on the extent and basic nature of the movement of women migrant workers (to provide data on sections C.1 (a)-C.1 (g) above);
- (b) Surveys of departing women to obtain more detailed information (to provide data on sections C.1 (h)-C.1 (j) above);
- (c) Surveys of returning workers on overseas experience, including any instances of violence (to provide data on sections A and B above);
- (d) Systematic collection of data from organizations to which returning women migrant workers are most likely to turn for assistance (to provide data on sections A and B above).

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2. Data collection in receiving countries

(a) Regular monitoring of data from organizations set up to receive complaints from women migrant workers (to provide data on section A above);

(b) Systematic collection of data on violations of the rights of women migrant workers from relevant non-governmental organizations (to provide data on section A above);

(c) Regular monitoring of migrant entry data - work permit applications, embassy registers and household surveys which should reflect the numbers of women migrant workers in the country, and perhaps additional data (to provide data on section C.2 above);

(d) Systematic collection of data from institutions to which women migrant workers are admitted or have recourse during their employment abroad, such as hospitals and courts (to provide data on section A above).

3. Research in sending and receiving countries

Research to cover areas not covered by regular and ongoing data collection processes.

E. Other recommendations

48. The Expert Group recommended that the appropriate United Nations agencies request member Governments to undertake and/or facilitate the collection of data relating to the above-listed indicators.

49. Given the current extent of knowledge of the situation of violence against women migrant workers, the Expert Group also recommended that the appropriate United Nations body/entity undertake, as soon as possible, a series of studies in selected sending and receiving countries, to collect data on:

(a) The extent and nature of violence against women migrant workers;

(b) The impact of violence on women migrant workers, their families and their communities.

F. Measures to improve the coordination efforts of the United Nations system on violence against women migrant workers i/, i/

50. The Expert Group discussed measures to improve coordination of efforts taken by United Nations agencies on the issue on violence against women migrant workers. Those actions are to be taken by Governments, regional intergovernmental bodies and the United Nations.

/...

1. Action to be taken by Governments

51. The globalization of migrant labour and the problems that beset migrant women workers form an increasing reality of the contemporary global economy. National Governments that deny or have ambivalent policies with regard to the existence of de facto migration should, together with intergovernmental organizations, take the steps necessary to ensure the full protection of those de facto migrants, recognize their genuine rights and provide them with adequate support services and social benefits. Governments, in collaboration with non-governmental organizations, should establish outreach programmes and shelters and provide legal, social and educational assistance to women migrant workers.

52. Governments of receiving and sending countries, in collaboration with non-governmental organizations, should provide migrant workers with extensive pre-departure information about the laws, culture, and working and living conditions in receiving societies. Such information should include mechanisms for support services - e.g., shelters, mediation, non-governmental organizations etc. Similar information should be provided to the general public in the labour-exporting countries.

53. One of the factors underlying abuse and violence against women migrant workers is governmental inaction or indifference. Concerned States should be held accountable, in accordance with the "due diligence principle", for their inaction on issues of violence against women migrant workers.

54. National labour standards should be applied to women migrant workers and be revised and implemented in conformity with international standards and recommendations put forth by the International Labour Organization. Governments should also encourage workers' organizations to include in their activities the protection of women migrant workers.

55. In order to ensure protection of the human rights of workers, particularly women migrant workers, in receiving countries, efforts should be made to recognize the status of those in non-documented or irregular circumstances, given that many of those women are undocumented as a result of deception or coercion. Furthermore, support services should be provided in the interim.

56. Non-documented or irregular status predisposes migrants, particularly women migrant workers, to exposure to violence. Proactive measures should be taken by both sending and receiving countries to reduce the outflows of non-documented migrants.

57. Effective measures should be taken by both sending and receiving countries to institute sanctions against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers. Governments should more effectively regulate private recruitment agencies and agents so as to minimize the number of non-documented migrants.

58. In receiving societies, steps should be taken to provide equal enforcement of laws to protect women migrant workers. Furthermore, where laws for protecting women migrant workers do not exist, they should be enacted.

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59. Law enforcement officials, procedures and practices often contribute to an exacerbation of the violence and abuse experienced by migrant women workers. Governments should train law enforcement officials to aid women migrant workers who are victims of violence and to encourage the reporting of such violations and the prosecution of the perpetrators.

60. Governments should provide sufficient resources and gender-sensitivity training for embassy and consulate personnel and other relevant governmental officials to respond to the needs of women migrant workers, particularly those who have been subjected to violence and abuse.

61. Governments should establish appropriate services for women migrant workers returning to their home countries who have been victims of violence and/or support reintegration programmes initiated by non-governmental organizations.

62. Bilateral agreements or other arrangements on migration for employment should include provisions such as minimum contractual conditions, grievance measures/mechanisms for aggrieved women migrant workers. There is need for common procedures to handle complaints, joint commissions, study committees and data-sharing.

63. Collaborative measures should be established in sending countries to reduce competition among them to provide migrant workers when the results of such competition may jeopardize the well-being of women migrant labour abroad.

64. Governments should take broad-spectrum measures to eliminate traffic in human beings in the widest sense of the term (i.e., for the purpose of prostitution or other forms of commercialized sex, forced marriages, and forced labour) and ensure that those measures are implemented. Governments should act to dismantle national, regional and international networks of trafficking in human beings. Governments should be encouraged to prosecute individual and organized traffickers who operate outside the jurisdiction of their own States, even without a complaint or official notice from the countries from which the persons are taken.

65. Appropriate criminal, civil, and financial sanctions should be adopted to prosecute any person or organization contributing to trafficking in persons. Moreover, victims of trafficking and support organizations should be assisted in bringing legal action against perpetrators. In that connection, the Expert Group Meeting considered that victims of trafficking should not be prosecuted for illegal residence but be provided safe shelters and support (i.e., counselling, job training, legal assistance and confidential health care), including protection against reprisals, in the countries of origin, transit and destination.

2. Action to be taken by regional intergovernmental bodies

66. Intergovernmental and regional economic and political bodies should recognize and enact policies addressing the globalization of migrant labour as an essential and structural feature of the globalization of economies. Such policies should be sensitive to the concerns of women migrant workers.

67. Regional human rights commissions and/or mechanisms, in close collaboration with non-governmental organizations, should regularly inquire into the conditions of women migrant workers and act on cases of violence against them.

68. Multilateral initiatives at the regional level should respond to the plight of women migrant workers in non-documented and irregular situations.

69. The regional commissions are urged to hold meetings on migration and development, with a particular focus on women migrant workers.

3. Action to be taken by the United Nations

70. The Administrative Committee on Coordination (ACC) should serve as the focal point within the United Nations system responsible for effectively coordinating initiatives relating to violence against women migrant workers. In that capacity, ACC, its task forces and the Interagency Committee on Women's Advancement should examine the mandates and policies of agencies and bodies of the United Nations with a view to identifying where their work can be enhanced with regard to violence against women migrant workers. Further, ACC should undertake a comprehensive review of the effectiveness of existing policies on migration, women, and violence against women in order to identify the areas where issues relating to violence against women migrant workers are not fully addressed. The ACC machinery should also coordinate initiatives to assist in the implementation of the recommendations of the present report.

71. The Commission on the Status of Women and/or an appropriate United Nations body should monitor the ongoing implementation of the recommendations of the present report.

72. The research and statistical entities of the United Nations should undertake a programme to develop indicators and research on women migrant workers taking into account the recommendations of the Meeting.

73. At its sixteenth session in January 1997, the Committee on the Elimination of All Forms of Discrimination against Women may wish to consider, discuss and take action on the question on violence against women migrant workers in accordance with its General Recommendation No. 19 on Violence Against Women.

74. The United Nations human rights monitoring bodies and mechanisms and the ILO Committee of Experts on the Application of Conventions and Recommendations should regularly request information from States parties on the status and conditions of women migrant workers and on programmes and services for women migrant workers.

75. The secretariat of the United Nations Decade on Human Rights Education should integrate the issue of violence against women, including violence against women migrant workers, into its programme of activities.

76. Member States of the United Nations should be urged to ratify the International Convention on the Protection of the Rights of All Migrant Workers

and Members of Their Families and ILO conventions that are relevant to the promotion of the welfare and the rights of women migrants.

77. The United Nations system should involve civil society in urging member States to ratify the International Convention on the Rights of All Migrant Workers and Members of their Families and the ILO conventions relevant to the promotion of the welfare of women migrant workers.

Notes

a/ "Report of the World Conference on Human Rights, Vienna, 14-25 June 1993" (A/CONF.157/24 (Part I)), chap. III.

b/ "Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995" (A/CONF.177/20, chap. I, resolution 1, annex II).

c/ General Assembly resolution 34/180.

d/ General Assembly resolution 48/104.

e/ General Assembly resolution 45/158.

f/ One expert, Mr. Then Yee Thoong, felt that, in chapter III, the title for section B should be "Identification of situations of vulnerability." He clarified the reasons why Working Group I had decided to include such a section - namely, to bring to the attention of Governments the fact that the presence of the situations listed in section B could lead to violence against women migrant workers. Moreover, the situations were qualitative in nature and did not lend themselves to quantitative measurements, as would be expected of indicators.

g/ The observer from the Government of Singapore also made a comment about section B of chapter III, which the Meeting agreed should be reflected in the report. She suggested that the title should be "Indicators of vulnerability" or "Identification of situations of vulnerability" and that the indicators listed had general problems in terms of measurability and the subjectivity involved. For instance, the term "no adequate source" in subsection B.5 was open to interpretation. "Adequate" in one case may not have the same meaning as "adequate" in another, and indicators presuppose a norm against which a comparison can be made. In the absence of a norm, the indicator was open to interpretation, which could lead to comparability and measurability problems.

Although the final report would be adopted by the Experts in their individual and private capacities, the representative of Singapore referred to paragraph 8 of General Assembly resolution 50/168, in which the expert group was called upon to develop concrete indicators as a basis for determining the situation of women migrants workers. She suggested that that implied a broad-based set of indicators on the situation of women migrant workers as a whole and would include other indicators apart from those on violence against women migrant workers. While there was no doubt that cases of victimization of women

migrant workers existed, to provide a more balanced approach and to better determine the situation of women migrant workers as a whole, positive indicators should also be included, on matters such as where women migrant workers extended or renewed their employment; their motivation for staying; net benefits perceived by women migrant workers; remittances received in sending countries.

She recommended that an open-ended working group of the General Assembly be set up to study further the question of indicators as suggested by the Expert Group Meeting. As the working group would be open to all members of the General Assembly, when the issue of indicators is being discussed, it could result in greater acceptability by the general membership at large.

h/ Human Development Report 1995 (New York, Oxford University Press, 1995), pp. 72-86.

i/ At the request of the observer from Singapore, the Expert Group agreed to include the following comment in its report: "Operative paragraph 8 of General Assembly resolution 50/168 mandated that the Expert Group Meeting come up with 'recommendations for improving coordination of the various efforts of United Nations agencies on the issue of violence against women migrant workers, and to develop concrete indicators as a basis for determining the situation of women migrant workers'. However, the Expert Group Meeting had gone beyond the mandate given by the General Assembly to put forward recommendations for 'action to be taken by Governments' and 'action to be taken by regional intergovernmental bodies', which were not required by the General Assembly."

j/ At the request of one of the experts, Mr. Then Yee Thoong, the Expert Group Meeting agreed to reflect his concerns on a number of paragraphs in this part of the report. They are as follows:

Paragraphs 51, 55 and 56

The Programme of Action of the International Conference on Population and Development made references to undocumented migrant workers. One major factor why workers migrate is to escape the poverty and unemployment situation in the home countries. Legalizing undocumented migrant workers would further encourage and exacerbate the outflow of undocumented migrant workers. This can create serious economic and social implications for small, open receiving countries. Furthermore, it would make it difficult to control trafficking of women under such circumstances.

Paragraph 52

It is practically impossible for receiving countries to provide extensive pre-departure information to potential migrant workers. This should be done by the sending countries.

Paragraph 53

This would be difficult to implement and enforce. Practical problems exist, for example: to whom is the Government accountable? For what should the State be accountable? When does the State become accountable?

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Paragraphs 54, 65 and 66

These texts would imply that Governments would have to enact laws in line with ILO standards, even though those Governments might themselves not have ratified the relevant ILO instruments. This would open new avenues for certain countries on bodies to lobby for sanctions to be imposed, particularly trade sanctions, on countries that failed to amend their laws in accordance with ILO instruments. It would be no different from re-introducing or reopening the issue of "social clause" - i.e., imposing a certain uniform basis of social protection as a condition of participating in the multilateral trade system - and this would be dangerous. (Cf. International Labour Office Governing Body, Working Party on the Social Dimensions of International Trade, "Social dimensions of the liberalization of world trade" (GB.261/WP/SLD/1) (Geneva, November 1994).

Paragraph 58

1. The laws apply equally to local nationals or foreigners who are found guilty of abusive and violent acts in all receiving countries.
2. It is common for countries to exclude certain categories of workers from their labour codes for good reasons. In Singapore, for example, the Employment Act exclude professional, managerial and executive employees as well as domestic workers, whether local or foreign. Extending the law to cover foreign domestic workers would be seen to give migrant workers more protection than what local workers enjoy.
3. Receiving countries should be given the flexibility to decide how best to protect women migrant workers. In many instances, administrative measures may prove more effective than legal ones.

Paragraphs 62 and 63

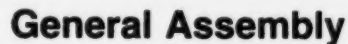
The expert considered that bilateral agreements were the prerogative of the two States concerned. It was not for the Expert Group Meeting to instruct Governments. He also sought clarification on the intention of paragraph 62.

Paragraph 64

The expert referred to the report of the Secretary-General on violence against women (A/50/378), which stated that trafficking would be the subject of a separate report.

Paragraphs 76 and 77

Given the small number of States that had ratified or acceded to the International Convention on the Protection of All Migrant Workers and Members of Their Families and the fact that the Convention had not come into force yet, as a matter of practicality, primary reliance for the protection of women migrant workers must rest with the domestic laws of the receiving countries. Moreover, given the diversity of domestic conditions of each receiving country, international regimes can only always, at best, supplement the domestic law of the receiving country.



ORIGINAL: ENGLISH

STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER
RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL
ECONOMIC ASSISTANCE: SPECIAL ECONOMIC ASSISTANCE TO INDIVIDUAL
COUNTRIES OR REGIONS

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 50/58 J of 22 December 1995 on emergency assistance to the Sudan, the General Assembly noted that despite progress made by Operation Lifeline Sudan (OLS), considerable relief needs still remained to be addressed, in particular in the areas of non-food assistance. The Assembly acknowledged the cooperation by the Government of the Sudan with the United Nations, including the agreements and arrangements achieved to facilitate relief operations through improvement of United Nations assistance to affected areas and encouraged the Government to continue its cooperation in that regard. The Assembly appealed to all parties concerned to continue to pursue dialogue and negotiations and to terminate hostilities, to allow the re-establishment of peace, order and stability, and also to facilitate relief efforts. It stressed the importance of assuring safe access for personnel providing relief assistance to all in need and urged all parties involved to continue to offer all feasible assistance, including the movement of relief supplies and personnel, so as to guarantee maximum success of OLS in all parts of the country.

2. The General Assembly requested the Secretary-General to continue to mobilize and coordinate resources and support for OLS, to assess the emergency situation in the country and to report thereon, as well as on the recovery and rehabilitation of the country, to it at its fifty-first session. The present report has been prepared in response to that request.

II. CURRENT SITUATION IN THE SUDAN

3. Since the last report of the Secretary-General on emergency assistance to the Sudan, the civil conflict has continued to destabilize and further degrade the lives of millions of Sudanese civilians. During the past 12 months, war-affected persons throughout the Sudan have struggled to cope with the effects of chronic malnutrition and an alarming increase in the spread of infectious diseases. The rapid deterioration of the economy during the second quarter of 1996 exacerbated the humanitarian crisis, putting intense pressure on millions of people already living below subsistence levels. Today, the coping mechanisms of populations at risk appear to be at the point of collapse, raising the prospect of widespread famine in food-deficit areas. The long-term consequences of the civil conflict, which in its most recent phase has raged unabated for 13 years, has destroyed vast sections of the country and will affect the Sudan for generations to come.

4. The humanitarian efforts of the United Nations, through OLS, were severely constrained throughout the last year by the Government of the Sudan's escalation of unilateral initiatives to control the flow of relief assistance. Beginning in the summer of 1995, the Government imposed unprecedented control over the type of equipment available to OLS, paralyzing deliveries of food relief to populations in need. In effect, the Government's blanket denial to use a C-130 aircraft from 17 June 1995 until 15 July 1996 amounted to a breach of its obligations as a signatory to the March 1994 Agreement on Principles and Objectives of Humanitarian Assistance with the Intergovernmental Authority on Drought and Development (IGADD) to allow access for the delivery of humanitarian

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assistance. The Government justified its refusal by invoking its rights as a sovereign Government to control the airspace over its territory. By July 1996, the situation had deteriorated to the point that the ability of OLS to fulfil its mandate had become highly questionable.

5. By May 1996, the ban by the Government of the Sudan on large-capacity cargo aircraft, combined with restrictions on access, had reduced the logistical capacity of OLS cross-border operations to 20 per cent of projected food deliveries. By July, the World Food Programme (WFP) was able to deliver only 14 per cent of the food necessary to support populations at risk in war-affected areas served out of Lokichokio in northern Kenya. Denial of large-capacity aircraft during the "hunger gap" months between May and August 1996, when use of airstrips and roads is limited by rainy weather, resulted in increased malnutrition, especially in northern Bahr El-Ghazal and parts of Upper Nile and Jonglei, where insecurity due to military clashes had forced people to flee their homes and abandon their food stocks. A May 1996 nutritional assessment in Marial Bai in northern Bahr El-Ghazal by Médecins sans frontières-Belgium found 19 per cent global malnutrition among children under five and 2.8 per cent severe malnutrition. In the more stable Didinga area of Eastern Equatoria, by comparison, a nutritional assessment by the Adventist Development and Relief Agency reported a global malnutrition rate of 8 per cent.

6. In October 1995 the Sudan People's Liberation Army/Movement-Mainstream (SPLA/M-Mainstream) staged a major offensive against government positions along the Magwe corridor. After fierce fighting, SPLA commanders regained control over the strategic triangle between Parajok, Pageri and Magwe. In response, the Government imposed a total ban on all relief flights from 23 November until 7 December 1995. Between December 1995-February 1996 and again from May to July 1996, a no-fly zone was imposed by the Government over areas south of the Juba-Torit-Kapoeta and Juba-Yei-Kaya lines.

7. In retaliation, in the second quarter of 1996 rebel factions also began denying OLS access to certain destinations. OLS relief operations depend on guarantees of safe passage from all parties to the conflict. The retaliatory response of the rebels further constrained the ability of OLS to meet the needs of populations at risk in the conflict zones. SPLA restrictions too were in violation of the IGADD agreements to which it is a party.

8. Donor confidence in the ability of OLS to maintain access was severely tested at precisely the time when the assistance budgets of many donors were overextended. This resulted in a major shortfall in financial resources. By mid-August 1996, only 20.9 per cent of the \$107.6 million requested by the Department of Humanitarian Affairs of the Secretariat in the 1996 inter-agency consolidated appeal for the Sudan had been received. Several donors announced in 1995 the withholding of contributions pending the findings of the OLS review. The OLS review was commissioned by the Department of Humanitarian Affairs in the second half of 1995 to review the mandate, structure, coordination and modus operandi of OLS in the light of calls by the Government of the Sudan and southern factions for structural reforms.

9. The dynamics of the civil conflict resulted in splits and major realignments within the rebel movements. In April 1996, Riek Teny-Dhurgon, the

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leader of the South Sudan Independence Army/Movement (SSIA/M) and a previously unrecognized group calling itself the Sudan People's Liberation Army/Bahr El-Ghazal (SPLA-BEG), headed by Kerubino Kwanyin Bol, signed a "Political Charter" with the Government of the Sudan. In the months following the signing of the Charter, several SSIA commanders denounced Riak Machar's initiative with the Government and joined the SPLA. At the present time, it appears that one of the consequences of the Political Charter was an increase in hostilities between the signatories and SPLA-Mainstream led by John Garang de Maibior. It was clear that SPLA-Mainstream had emerged from the last two years of inter-factional fighting as the leading rebel organization.

10. The Special Envoy for Humanitarian Affairs to the Sudan, Ambassador Vieri Traxler, undertook two separate missions during the reporting period, one in November 1995 and the second in April 1996. The primary objective of both missions was to resume proximity talks between the parties to the conflict with the aim of improving the implementation of IGADD agreements of 1994 and 1996 on OLS corridors for relief supplies and humanitarian assistance to war-affected areas. Special emphasis was put on gaining access to SPLA-held locations in the Nuba Mountains that the Government had consistently cut off from humanitarian programmes. Although the Special Envoy received commitments from all the parties to attend talks, the new political environment resulting from developments in March-April (presidential and legislative elections in the Sudan; realignment of certain southern movements with the Government) prevented their actual resumption owing to the absence of recognized, legitimate interlocutors among the parties concerned.

11. Following the failure of the IGADD-sponsored efforts to find a solution to the conflict in the Sudan, there have been no subsequent initiatives. Relations became increasingly hostile between the Sudan and several neighbouring countries, specifically, Ethiopia, Eritrea and Uganda, further limiting the possibilities for a revival of the IGADD framework (in March 1996, IGADD changed its name to the Intergovernmental Authority on Development, IGADD). Accusations that the Sudan was involved in the assassination attempt on President Hosni Mubarak of the Arab Republic of Egypt in June 1995 in Addis Ababa contributed to the further isolation of the Government of the Sudan and led to the Security Council's adopting resolutions 1044 (1996) of 31 January and 1054 (1996) of 26 April, by which it imposed diplomatic sanctions against the Sudan, and resolution 1070 (1996) of 16 August on possible sanctions on the operations of Sudan Airways.

12. There were, however, some efforts at peace-building at the initiative of the United Nations Educational, Scientific and Cultural Organization (UNESCO), supported by the United Nations Development Programme (UNDP) through a symposium on the culture of peace in Barcelona, Spain, in September 1995, and another in Noordwijk, the Netherlands, in May 1996. These informal gatherings brought together representatives from the Government of the Sudan, rebel movements and Sudanese civil society to discuss issues relating to national development and the resolution of the conflict. So far there has been no visible impact of these efforts on the actual position of the different parties to the conflict. In response to the recommendation of the Barcelona Declaration signed by the parties concerned, UNESCO intends to continue to step up its efforts to assist

in the peace process in the Sudan within the framework of its culture of peace programme.

13. The first independent review of OLS since it was launched in April 1989 began in late 1995. The review team completed its work in mid-August. The process of consultations with donors, relief agencies, the Government of the Sudan and SPLM is to be completed during September 1996. The final outcome of the process, along with the views of the concerned parties, agencies and the donor community will be made available by the middle of October.

III. EMERGENCY OPERATIONS AND OPERATION LIFELINE SUDAN

A. General

14. Insecurity, denial of flight access to vulnerable areas and aircraft shortages represented the most serious constraints on the delivery of humanitarian relief assistance to southern Sudan. Despite these constraints, OLS substantially eased the effects of the conflict on civilian populations, delivering 27,737 tons of food between January and June 1996, of which 14,297 tons went to Government-held areas and 13,440 tons to SPLA-held areas, reaching 781,588 beneficiaries in the former and 1,092,624 in the latter. OLS also delivered 1,623 tons by air of non-food relief supplies to areas accessible from the OLS base in Lokichokio. OLS also supported rehabilitation programmes in the fields of health, household food security, livestock health, water and sanitation, emergency education, war-affected children and capacity-building.

15. As in the past, OLS continued to be supported through the Humanitarian Coordination Unit in Khartoum. The Unit was pivotal in collecting and disseminating information about the humanitarian crisis to donors, participating agencies and government counterparts. UNHCU also facilitated inter-agency operations and was responsible for monitoring the situation of displaced persons throughout the Sudan.

B. Political and military developments affecting humanitarian relief efforts

16. Throughout the period, relief and rehabilitation activities were severely disrupted by fighting or insecurity in areas where the most vulnerable populations live, especially northern Bahr El-Ghazal, parts of Jonglei, eastern Upper Nile and Eastern Equatoria. Major developments included the following.

Bahr El-Ghazal

17. Militia activity in northern Bahr El-Ghazal - attributed in large part to the group headed by Kerubino Kwanyin Bol - continued to disrupt relief operations seriously throughout 1995-1996, causing the evacuation of relief personnel on 27 occasions during the first two quarters of 1996. Raiding by militia destroyed close to three quarters of the region's grain stores and resulted in the displacement of more than 40,000 people. A series of cattle raids and attacks on civilians occurred in Tonj and Yirol counties in March and

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April 1996. OLS reported that 90 civilians had been killed, 45 seriously wounded and 33 abducted during six attacks. By the end of June, a serious deterioration in the nutritional status of war-affected populations was reported in parts of Bahr El-Ghazal, including Alek, Wunrok and Akon counties, and among displaced populations in Turalei, Thiek Thou and Gogrial counties.

Upper Nile/Jonglei

18. From August 1995, heavy fighting between two factions of the SSIA seriously interrupted relief operations in the Akobo, Ayod, Maiwut, Waat and Yuai areas. Fighting erupted less than two weeks after a press statement was issued in Nairobi announcing that SSIM leader Riak Machar had been overthrown and a new executive committee formed. The original SSIM leadership denounced the statement, effectively ending prospects for reconciliation which had been created with the signing of the Lafon Declaration in April 1995 between the SPLM and SSIM. In April 1996, the SPLM and the breakaway SSIM faction, known as SSIM-Unity Forces, signed a declaration of political and military reunification. Since August 1995, control of disputed locations in Upper Nile/Jonglei has changed frequently from one faction to another, forcing relief efforts to be conducted within an extremely constrained operational framework. In April 1996, an agreement (the so-called "Political Charter") was signed by SSIM and the Government of the Sudan (and Kerubino Kwanyin Bol) as a prelude to further negotiations. By the end of June, SSIM had regained control of most of its former territory including Akobo, Ayod, Waat and Yuai.

Eastern Equatoria

19. Despite a major offensive by the SPLA against government positions south of Juba, relief activities continued in the large displaced camps on the southern border with Uganda. However, the activities of Ugandan rebel groups severely disrupted relief convoys from Uganda to the displaced camps at Labone (32,170 displaced), Mughale (40,000), Bamurye (17,000), Mangalatore (10,000) and Kerwa (1,500). Landmines and ambush attacks remain a constant threat to relief personnel using these roads, which are frequently closed as a result. In June rebels of the Lord's Resistance Army shot dead a Catholic Relief Services convoy leader en route to Labone; the driver of a Norwegian Church Aid health team vehicle had one foot amputated following a landmine blast on the same road.

20. In western Uganda, the activities of the West Bank Nile Front similarly disrupted the delivery of relief supplies by road to the Mangalatore/Bamurye camps in southern Sudan. An OLS non-governmental organization, the American Refugee Committee, temporarily evacuated all relief staff to Arua in Uganda in early June. The disruptions worsened humanitarian conditions in the camps. A March 1996 rapid nutritional survey in Mangalatore camp by Médecins sans frontières-Netherlands (based in Uganda) showed that global malnutrition among children under five had risen to 15 per cent, up from 9.3 per cent in July 1995. UNICEF has been distributing dry rations of supplementary food in the camp. Children requiring intensive feeding are being referred to the in-patient department of the American Refugee Committee clinic.

Flight restrictions

21. Over the last one year, the Government of the Sudan has continued to limit the number of relief flights from Lokichokio to specific relief bases in SPLM-controlled areas. Since mid-1995, OLS has consistently been denied flight access to an average of 12 key locations per month. For the first time, the Government also demanded that certain SPLM-controlled locations be accessed only from Khartoum. This demand was not accepted by OLS. Government flight restrictions reduced the Operation's ability to assess and respond to urgent humanitarian needs. During the outbreak of cholera and severe diarrhoea in the second quarter of 1996, OLS was unable to access the majority of affected areas because of government flight restrictions. More than 1,800 people died during the outbreak, which could have been effectively contained had restrictions been lifted when requested.

22. In Akobo, which was denied flight access during the month of June, 11 deaths from diarrhoea disease were reported. Despite repeated requests, the Government refused to grant emergency clearance. On 27 June, after Akobo was recaptured by SSIA forces, the Government granted clearance for July. Flight access to Akobo was also denied for the months of January, February, April and May 1996, which seriously disrupted non-governmental organization medical services, including a 90-bed hospital with 5,000 out-patients per month, a tuberculosis treatment programme and medical outreach services to remote areas in Jonglei province.

23. In June, severe flooding was reported in the area of Pochalla, a village the SPLA recaptured from the Government of the Sudan in March 1996 and to which OLS was denied access from April onwards. Following reports that the flooding had displaced more than 15,000 people and destroyed food crops, OLS made an emergency request for flight access to Pochalla and permission to use a C-130 Hercules aircraft for food airdrops. Despite repeated requests, the Government continued to deny clearance. Eventually, only after the Secretary-General and the Executive Director of WFP went public on the situation, did the Government respond positively to a request from the Under-Secretary-General for Humanitarian Affairs and agree, on 8 August, to OLS flights to Pochalla.

24. The continued denial of access since 1992 to Pariang/Panaru, an area badly affected by kala-azar epidemics, contributed to a large number of deaths in the area. Médecins sans frontières-Netherlands has treated approximately 22,000 kala-azar cases since 1989, mainly in western Upper Nile. Kala-azar is almost always fatal if untreated, but has at least a 90 per cent recovery rate when treated. However, as a result of the Government's flight restrictions, no kala-azar treatments or other OLS health interventions were possible in the Pariang area.

25. On 23 November 1995, the Government suspended all flights to southern Sudan, in response to increased SPLA military activity. The suspension lasted approximately two weeks and seriously impaired relief activities throughout the country before it was revoked by the Government. In a press statement of 4 December 1995, the Secretary-General expressed his regret over the initial decision of the Government and called upon all parties involved to take the

necessary steps to allow access to the innocent victims of the conflict under the agreed OLS principles and operational procedures.

26. During much of 1996, both the SPLM and SSIM have frequently denied clearance to OLS flights from Lokichokio, primarily to contested locations in Jonglei and eastern Upper Nile. In addition, the SPLM has denied access to Gogrial in Bahr El-Ghazal since January 1996 and to Pibor in Jonglei since April. In March, SSIM notified OLS that access was denied to 13 locations in Jonglei and eastern Upper Nile. The restriction lasted three days. The denial of flight clearance forced WFP to interrupt its airlift to Gogrial of 48.5 tons of food for 8,000 beneficiaries after having delivered only 12.6 tons. This interruption contributed to a rise in malnutrition among the war-affected populations in the area. In June 1996 health and nutrition programmes in Gogrial were also interrupted after the SPLM denied UNICEF flight clearance.

Security incidents affecting relief personnel

27. In 1995, more than 40 evacuations of relief personnel occurred from locations served by OLS southern sector. During the first two quarters of 1996, 158 personnel were evacuated from 35 locations. In addition, four hostage situations occurred including:

(a) In September-October 1995 a Médecins sans frontières-Belgium logistician was abducted during a surprise attack on Panthou in northern Bahr El-Ghazal by Kerubino's forces and held for more than five weeks before being released through GOS officials in Khartoum;

(b) In December 1995-January 1996 a Sudanese employee of Médecins sans frontières-Belgium was taken from Ajiep by Kerubino's forces and forced to porter loot. He was released after two weeks;

(c) In March 1996 a WFP barge with two international staff and 11 Sudanese staff was held near Doleib Hill for two days while an unknown group of armed militia looted 50 tons of sorghum and oil and stripped the barge of equipment and personal effects;

(d) In May 1996 a priest working with an OLS member organization, Diocese of Torit, was captured during an ambush by the Lord's Resistance Army on the Kitgum-Labone road in northern Uganda. The priest was released after two days and a local staff member accompanying him was released about three weeks later. Another two local staff remained missing as at 20 August 1996.

28. In a statement issued on 1 March 1996, the Secretary-General expressed grave concern over the 17 February bombing by government aircraft of airstrips in Paluer and Akuer during relief operations. The Secretary-General stated that the incidents constituted a serious violation of international humanitarian law and asked the Department of Humanitarian Affairs to take appropriate measures to seek clarification from the Government of the Sudan, as well as their assurance that such actions would not be renewed. To date, there has been no response from the Government.

29. Again on 15 July 1996, a government aircraft bombed Maridi, in southern Sudan, with one bomb landing in the immediate vicinity of a United Nations Children's Fund (UNICEF) compound. Two people were killed instantly and 23 persons were seriously wounded.

C. Internally displaced persons

30. Of the war-affected populations in the Sudan, the internally displaced continued to represent one of the most pressing and volatile humanitarian issues related to the conflict in the south. The United Nations estimates the number of displaced persons in the Sudan at 2.2 million. Of these, 1.8 million are situated in the Khartoum area; 400,000 live in settlements in the transitional zone and the south. Many of the long-term displaced have self-settled and are not considered at risk. By the end of July 1996, WFP had delivered 8,164 tons of food to 185,000 displaced persons in Khartoum.

31. In general, the conditions facing displaced persons living in the transitional zone and the south remained unchanged. In Khartoum, however, a combination of access restrictions and forced evictions and demolitions put thousands of persons already living below subsistence levels at greater risk.

32. Between August 1995 and June 1996, more than seven demolitions by the Government occurred in squatter settlements in greater Khartoum. More than 15,000 displaced persons lost their homes during these operations, which usually occurred without prior warning. The majority of newly dispossessed were offered no alternative sites by the Government, although some were relocated to one of its four official displaced person camps.

33. The Government justifies its policy of forced evictions on the grounds that they constitute part of its urban renewal programme. During the reporting period, government officials did little to improve the appalling living conditions found in the official displaced person camps nor did they take steps to provide secure land tenure for the displaced. In the absence of any publicly funded infrastructure in squatter areas and displaced camps, the role of non-governmental organizations is crucial for providing basic services. However, the Government continued to obstruct their access to the camps and settlements. In late June, after a joint démarche by the donor community, international non-governmental organizations and the United Nations, the Government expanded access to the Khartoum camps.

D. Non-governmental organizations

34. In the latter half of 1995, a new Commissioner of the Commission of Voluntary Agencies was appointed. For the first time in several years, international non-governmental organizations were given access to areas previously off limits, including locations in south and south-west Kordofan. In the second quarter of 1996, when the Commission was incorporated into the new Humanitarian Aid Commission, bureaucratic obstacles once again interfered with non-governmental organization operations, in some cases causing serious delays in applications for new projects. In general, government restrictions continued

to restrict non-governmental organization operations throughout the period. Despite repeated appeals by international non-governmental organizations and the United Nations Coordinator for Emergency and Relief Operations, the Government of the Sudan continued to require visitor permits for all international personnel working in the Khartoum displaced camps. This measure was eased only towards the end of the reporting period. Khartoum-based non-governmental organizations were also required to obtain travel permits to access locations in the transitional zone and the south. Virtually all international non-governmental organizations experienced delays of up to two months in obtaining permits, seriously hindering implementation of humanitarian programmes.

35. The Government continued to thwart non-governmental organization efforts in the south, especially in Bahr El-Ghazal and Jonglei, to re-establish basic health services in war-affected areas. During the first half of 1996, flight restrictions forced Médecins sans frontières-Belgium to access flood and diarrhoea-affected victims in Akobo through Nyandit, 20 kilometres away. Similar flight restrictions obstructed other non-governmental organizations, including German Agro Action, which was unable to deliver seeds and tools to Yomciir at the peak of the planting season, and Christian Mission Aid, which was stranded in Boma while conducting accelerated guinea worm eradication. Non-governmental organizations servicing populations in north-east Bahr El-Ghazal were forced to change their operating sites continuously because of flight restrictions and persistent insecurity.

E. Relief food assistance

36. As a result of the OLS annual assessment mission conducted in September-October 1995 and the Food and Agriculture Organization of the United Nations (FAO)/WFP joint crop and food supply mission of November-December 1995, it was estimated that approximately 2.1 million displaced and war-affected persons in the south, in the transitional zone and in Khartoum (1 million in Government-held areas and 1.1 million in the SPLA-held areas) would require food aid during 1996. The assessments also recommended that contingency stocks be secured for an additional 215,000 persons in case of emergencies.

37. The number of beneficiaries slated to receive assistance during 1996 increased by 900,000 persons to 2.1 million, a 58 per cent increase over 1995, when 1.2 million persons required assistance. The combination of limited arable land in the south, localized drought in Equatoria, excessive flooding in Bahr El-Ghazal and insect infestation in western Sudan accounted for the increase in the number of beneficiaries. Fighting and insecurity considerably increased food needs in parts of northern Bahr El-Ghazal - where militia raids destroyed up to three quarters of grain stores - and Upper Nile/Jonglei, where fighting forced people to flee from their homes, abandoning their food stocks and losing access to their traditional grazing and fishing areas.

38. The total amount of food aid projected for delivery in 1996 is 61,400 tons. Carry-over stocks from 1995 have been estimated at 33,944 tons. Whereas no additional food contributions were required in 1995 because of significant carry-over stocks, 27,456 tons will be necessary for 1996. Of the total food

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aid requirements, 39,970 tons are planned for delivery from the northern sector and 21,430 tons from the southern sector. Approximately 60 per cent of northern sector deliveries are projected for road transport, 35 per cent by barge and 5 per cent by air. In the southern sector, an estimated 16 per cent will be delivered by road, mainly into eastern Equatoria, and 84 per cent will be delivered by airlift and airdrop.

39. By the end of June 1996, WFP had delivered 13,300 tons of food assistance to 820,150 targeted beneficiaries, of which 10,986 tons were delivered in the northern sector and 2,314 tons in the southern sector. Northern sector non-governmental organizations delivered 6,850 tons, mainly to the Khartoum displaced, while southern sector OLS non-governmental organizations delivered 7,586 tons by road.

40. WFP completed four barge convoys during the first half of 1996. The first convoy delivered 311 metric tons of food to 42,000 beneficiaries along the Canal-Obel-Nagdiar corridor. The second convoy delivered 1,356 tons to 94,500 beneficiaries along the Renk-Malakal corridor and the third convoy delivered 1,200 tons of food to 174,700 beneficiaries along the Tonga-Fanjak corridor. The fourth convoy delivered 3,281 tons of food to 380,400 beneficiaries along the Juba corridor.

41. Government authorities delayed the departure of the fourth WFP convoy to Juba for two months, between April and June, refusing to grant clearance despite repeated requests. Clearance was finally granted on 3 June and the convoy, loaded with 3,281 tons for 380,400 beneficiaries, departed Malakal on 5 June. Government authorities also hindered the operation of relief trains by refusing to keep rail corridors free of military activity during the two weeks preceding the train's departure. As a direct result of the Government's intransigence, no relief trains delivered food aid during the period.

42. During the second quarter of 1996, rebel factions began denying clearances for air deliveries to government-held locations. Specific and repeated requests were made to rebel factions throughout the second quarter for air deliveries of food to areas suffering severe food deficits, including Gogrial, Yirol, Tonj, and Pibor. As has been the case in previous years, WFP did not encounter problems in securing air clearances from the rebel factions for assessment purposes.

43. The potential for a poor harvest during 1996 is a matter of serious concern. A combination of factors, including the increasingly limited capacity of financial lending institutions, fuel shortages, low in-country stocks of farm machinery spare parts, and low in-country seed stocks, could have a potentially devastating impact on agricultural production. In addition, tracts of land along the Eritrean and Ethiopian borders, for example, in Pochalla, will not be planted in 1996 because of insecurity and flooding.

44. During the summer, data on market forces indicated that in-country cereal stocks (notably sorghum) were low. In Gederaf state, sorghum prices increased by approximately 44 per cent during June. Inflation rates of 140 per cent during the second quarter of 1996 also put pressure on food prices.

45. At the end of the reporting period, WFP was faced with alarmingly low food stocks. The depletion of stocks jeopardizes its ability to maintain current programming and its capacity to provide rapid assistance in the case of unplanned emergencies. Given the precarious security situation in traditionally food deficit areas, the country's deepening economic crisis as well as the potential for a poor 1996 harvest, it is likely that previously unforeseen emergencies will occur in the upcoming months. Thus far, only \$8.6 million out of the required \$40,279,157 million requested by WFP in the 1996 United Nations appeal has been pledged or committed. Without immediate donor funding, WFP will be forced to reduce its assistance to war-affected populations, thereby placing targeted beneficiaries at even greater risk. In her press statement of 11 July 1996, the Executive Director of WFP estimated that 700,000 persons were at risk of starvation due to the Government's restrictions on the use of OLS C-130 aircraft.

F. Non-food assistance

1. Health

46. Diarrhoeal diseases, malaria and acute respiratory infections remained the major causes of mortality and morbidity in southern Sudan, the transitional zone and among the Khartoum displaced. Between April and the end of June, widespread outbreaks of acute diarrhoeal disease and cholera killed an estimated 1,852 throughout the Sudan.

47. OLS health officers have set up local education teams to raise awareness about these diseases and improve treatment and prevention. Each village in high-risk areas has assigned a volunteer to actively seek and respond to cases, and to report them to Federal Ministry of Health, Sudan Relief and Rehabilitation or the Relief Association of South Sudan coordinators and relevant non-governmental organizations. Médecins sans frontières-Netherlands coordinated the OLS southern sector response in western Upper Nile and collected and disseminated information about the spread of the disease throughout southern Sudan. UNICEF/OLS provided oral rehydration salts, ringer lactate, water containers, logistics and coordination assistance.

48. OLS southern sector established new guidelines on the use of chloroquine and antibiotics to improve diagnosis and treatment of malaria and acute respiratory infections. These drugs, and other essential medical supplies such as mosquito nets, were distributed by UNICEF to non-governmental organization health facilities.

49. UNICEF continued its focus on immunization against measles as a critical health intervention for children. In 1995, 109,482 children received measles vaccination and vitamin A doses throughout the south and the transitional zone. Five measles outbreaks were reported between July 1995 and June 1996 throughout the south and the transitional zone. More than 200 deaths were estimated among 1,250 cases reported in southern Kordofan between July and September 1995.

50. A special National Immunization Days Polio Campaign, launched by the Federal Ministry of Health, took place in April and June, covering most parts of

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the government-held areas, including accessible locations in the transitional zone and the south.

51. Médecins sans frontières-Netherlands treated approximately 800 new kala-azar patients and 700 post-kala-azar, or relapses, in western Upper Nile in 1995. Future plans for the control of kala-azar include the development of a cheaper treatment regimen and the trial use of a vaccine.

52. Southern Sudan accounts for 80 per cent of the world's cases of guinea worm disease according to WHO. UNICEF continued to support international and indigenous non-governmental organizations, the Federal Ministry of Health, Sudan Relief and Rehabilitation Association and the Relief Association of South Sudan working in southern Sudan to treat and prevent the painful and debilitating affliction. These groups were joined last year by Global 2000, which provided resource training and technical support in close collaboration with UNICEF and non-governmental organizations. During 1996 the number of villages identified as endemic reached 3,571 with more than 25,000 new cases found.

53. River blindness interventions were conducted jointly by the Sudan Relief and Rehabilitation Association, OLS non-governmental organizations, UNICEF and Global 2000. The programme was initially coordinated by Médecins sans frontières-Belgium and later transferred to HealthNet International.

54. The International Medical Corps introduced the testing for HIV/AIDS in Tambura, where one third of tuberculosis patients were found to be HIV positive. Work also began in Eastern Equatoria to raise awareness of HIV/AIDS among communities along the southern borders with Kenya and Uganda. OLS non-governmental organizations continued to administer centralized treatment programmes to tuberculosis patients in key endemic areas.

55. In mid-1996, UNICEF/OLS southern sector was providing 240 health kits each month to health centres run by OLS non-governmental organizations, up from 130 per month at the end of 1995. This increase was achieved, despite access difficulties, through the use of short-term mobile teams in insecure areas and improved outreach in more stable areas. In insecure areas, refresher training courses were set up beside bush airstrips so that teams could leave quickly if necessary. UNICEF Khartoum continued to provide essential drugs for over 20 different non-governmental organizations, including distribution of over 1,350 drug kits to 190 health facilities in government-held areas during 1995.

56. Working closely with Sudan Relief and Rehabilitation Association and the Relief Association of South Sudan, UNICEF remained responsible for coordination among 25 health non-governmental organizations working in OLS southern sector. Quarterly meetings were organized to provide forums for progress reviews, prioritization of inputs and standardization of implementation approaches. In 1996, the programme aims to reach an estimated 1.7 million people with basic health care services. In the first half of the year, UNICEF and OLS non-governmental organizations held a variety of health training courses, including training for maternal child health workers and traditional birth attendants.

2. Household food security

Seed and tools

57. OLS distributed 1,075 tons of seed and 143,000 hand tools in 1996 to assist over 135,000 households in 114 locations. OLS northern sector supported local blacksmith production of 18,700 hand tools specified to locally appropriate criteria. A total of 83 tons of seed were bartered from farmers in Maridi and Leer for use in seed-deficient areas. The seed swap programme reduced dependency on imported seed and increased production of local seeds.

58. OLS southern sector designed a training package for women that promoted improved agricultural practices. OLS northern sector conducted intensive training of trainers in Juba with the aim of enhancing local capacities for setting food security priorities and establishing a standardized monitoring system.

59. Delays in the distribution of seed and tools, caused by late purchase and delivery, insecurity, flight restrictions and aircraft shortages, resulted in late planting in some areas. Reduced yields are expected in these locations in the 1996 September-October harvest. However, in areas of late planting, it is likely that harvests will continue through to the end of October. In addition, weather conditions in the second quarter of 1996 resulted in early crop losses in some areas through flooding and drought.

Livestock health

60. Community-based animal health workers continued to vaccinate cattle against rinderpest - a major cattle-killing disease - and treat other major livestock diseases of the south: contagious bovine pleuro-pneumonia, trypanosomiasis, liver fluke, anthrax and haemorrhagic septicaemia. Communities paid for the treatments in cash or kind, and the revenue was used to fund community projects, including school building, school gardens, well-digging and construction of stores. In 1996, UNICEF and 10 non-governmental organizations working in livestock facilitated training for about 15 community animal health workers per month.

61. UNICEF Khartoum launched a rinderpest eradication project. The livestock programme also assisted OLS child immunization activities by sharing cold chain equipment and transport in cattle camps. During the reporting period, UNICEF and non-governmental organizations distributed 237,000 spools for net-making and 5.3 million fishing hooks, which benefited an estimated 155,000 households living near rivers, lakes and ponds. White jinja cloth for mosquito nets was also distributed to help prevent malaria in high-risk areas.

3. Emergency education

62. OLS-southern sector provided basic education materials for 1,200 primary schools serving 300,000 children. UNICEF, Sudan Relief and Rehabilitation Association, the Relief Association of South Sudan and 11 non-governmental organizations continued teacher training. An additional 1,600 Sudanese primary

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schoolteachers will be trained. This represents a 25 per cent increase over 1995. Two education workshops were held for education coordinators and school supervisors focusing on curriculum and administration. Six hundred selected primary schools received school garden kits containing seeds for vegetables and staple foods and handtools for planting. OLS northern sector education programme distributed basic education materials and text books, conducted teacher training and supported class room rehabilitation.

4. Children in especially difficult circumstances

63. UNICEF continued its educational support to more than 3,000 unaccompanied children living in accessible camps in Eastern Equatoria. Twenty-six basic education kits were distributed to schools in the camps. UNICEF and Radda Barnen began a follow-up programme for children reunited with their families in western Upper Nile. Emphasis was placed on community-based mental health care strategies for children suffering from war trauma. The project has interviewed 340 of the 1,233 children who have been reunited since 1992. A United Nations/non-governmental organization network for children in especially difficult circumstances was formed in June 1996 to focus on issues of unaccompanied children, family tracing and reunification, and child protection in light of the Convention on the Rights of the Child, which the Sudanese Government had ratified in August 1990. The two main southern factions have formally agreed to abide by the principles contained in the Convention, though, as they are not Governments, they cannot sign it. UNICEF northern sector trained state-level coordinators for children in especially difficult circumstances. The Ministry of Social Planning signed an agreement allowing several international non-governmental organizations to initiate a pilot child/family tracing/reunification project for 200 boys from Abu Doum camp, located just north of Khartoum.

5. Gender and development

64. UNICEF continued to emphasize the inclusion of a gender component in teacher training and to recruit female teachers. Initial UNICEF support to women's groups, followed up by other non-governmental organizations, focused on income-generating projects. During the second half of 1996, two regional gender sensitization workshops will be held in southern Sudan to develop strategies for integrating gender issues into all programme activities. A gender network of OLS non-governmental organizations was established and met in July 1996. UNICEF southern sector provided 15 women's groups with material to make school uniforms for 20,000 children.

6. Water and sanitation

65. The OLS water programme continued to focus on the repair and maintenance of existing water pumps and boreholes. The programme repaired a total of 852 hand pumps and drilled 109 new boreholes. In addition, over 1,100 household latrines were constructed in northern sector locations and more than 100 new village health committees formed, including 18 among the displaced in Khartoum camps.

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In northern Bahr El-Ghazal, Save the Children-UK continued to support four hand-drilling teams, and other agencies are considering support of similar projects in Bahr El-Ghazal, Upper Nile and Jonglei. An OLS non-governmental organization, MEDAIR, is providing a hand-drill to their locally trained teams to achieve better outreach to surrounding villages. Efforts continued to ensure that water supply management and hygiene awareness are incorporated into primary health care coverage. UNICEF/OLS southern sector trained counterpart personnel in all aspects of water management.

7. Capacity-building

66. The UNICEF capacity-building programme continued to emphasize training, funding, and advocacy for OLS counterparts. Training sessions were held for staff of Sudan Relief and Rehabilitation Association, the Relief Association of South Sudan and Sudanese non-governmental organizations. As a result of the training, effective action plans for 1996 were produced by Sudan Relief and Rehabilitation Association, UNICEF provided specialized training in programme and financial management for technical officers in Sudan Relief and Rehabilitation Association and the Relief Association of South Sudan. UNICEF organized a workshop in June 1995 on capacity-building in indigenous agencies.

67. UNICEF northern sector workshops on capacity-building resulted in initiatives in health, nutrition and water and sanitation. Plans of action detailing the needs and respective contributions of partner non-governmental organizations were proposed. Achievements in capacity-building over the period included training of traditional birth attendants, identification and training of regional Federal Ministry of Health nutrition focal points, formation of village health committees and village volunteers for guinea worm control and surveillance, establishment of oral rehydration therapy corners in health facilities and implementation of mobile outreach activities to remote locations within the WHO Extended Programme of Immunization.

8. Emergency relief and shelter

68. Relief and shelter items were distributed to populations displaced by fighting, notably in Mankien, Manajang, New Cush, Mangalore, Lafon and Labone. Special efforts were made to reach displaced populations in Upper Nile locations, including, Baliel, Nasir, Abwong, Mading and Pagok. Plastic sheeting, buckets, soap, blankets, mosquito netting and salt were stocked in strategic locations. Relief kits consisting of fishing equipment, cooking pots, a bucket, a blanket and mosquito netting were distributed by the Save the Children Fund-UK in Bahr El-Ghazal, Jonglei and Lakes. UNICEF pre-positioned emergency relief items in Lokichokio to assist an estimated 15,000 people affected by flooding in the Pochalla area in June 1996, but government restrictions on access and the use of the C-130 aircraft prevented their distribution at the time.

69. In August 1996, after OLS received government clearance for relief flights, UNICEF delivered more than 8 tons of UNICEF and Médecins sans frontières-supplied emergency relief items, including medicines, oral rehydration salts,

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water containers, blankets and high-energy biscuits. WFP delivered some 83 tons of emergency relief food for the affected population in five airdrops from the Lokichokio-based C-130 Hercules aircraft. At the end of August, OLS assessments of the scale and duration of emergency relief requirements were still under way in the Pochalla area.

9. Barge outreach activities

70. UNICEF deployed mobile technical teams on all WFP barge missions. Programme interventions included measles/polio/tetanus vaccinations, basic outpatient services, supply of essential drugs, rapid nutritional assessments, distribution of guinea worm filters, provision of emergency education kits and delivery of seed, agricultural handtools and fishing equipment. Despite long delays associated with clearance approvals, more than 100,000 households benefited.

10. Humanitarian principles

71. UNICEF southern sector continued to press for the renegotiation of a new set of ground rules upon which to base the relationship between OLS agencies and the two main southern factions, the SPLM and SSIM. In mid-1995, the leaders of the two movements endorsed the new ground rules, which contained specific references for respecting and upholding the Convention on the Rights of the Child, the Geneva Conventions and a set of principles governing humanitarian assistance, including neutrality, impartiality, accountability to beneficiaries and the right to offer and receive assistance. From mid-1995, UNICEF began an intensive education campaign targeting civil and military authorities, traditional leaders, Sudan Relief and Rehabilitation Association and the Relief Association of South Sudan, community leaders and relief personnel. The campaign reached approximately 3,500 people in 1995, with workshops in 20 locations. During the first two quarters of 1996, UNICEF held more than 10 workshops in southern Sudan, reaching an estimated 2,000 people, including a workshop in Nairobi in May with 25 participants from the United Nations, non-governmental organizations and the donor community.

11. Nutrition

72. Surveys in 1996 indicated deteriorating nutritional conditions in numerous areas, particularly northern Bahr El-Ghazal, Upper Nile and Jonglei. The combined effects of conflict and displacement led to an increase in diarrhoeal diseases, malaria and acute respiratory infections. WFP continued to provide supplementary rations for non-governmental organization feeding centres during the period although nutritional activities were severely hampered by repeated evacuations of relief personnel. OLS agencies have raised their grave concerns with the Government and the donor community about the nutritional condition of children in remote areas. UNICEF continued to support children in supplementary feeding programmes where the rate of global malnutrition had reached as high as 25 per cent, for example, in Narus, Labone and Nimule. A total of 10,000

children in 77 locations and 4,000 pregnant and lactating mothers received assistance.

12. Operations and logistics

73. Despite international efforts to repair and upgrade roads, air transport remained a necessity for the delivery of humanitarian assistance. In 1995, UNICEF aircraft transported 2,500 tons of non-food cargo from Lokichokio into southern Sudan, and more than 8,800 passengers for 45 United Nations and non-governmental organization relief agencies. Carry over cargo for 1996 totalled 750 tons. By June 1996, UNICEF had moved 1,623 tons including the bulk of the seed and tool requirements for the year.

74. The UNICEF Twin Otter - the only United Nations aircraft permanently operating from Khartoum - was used throughout the period to ferry supplies and technical assistance to remote areas for life-saving interventions. A total of 790 tons of non-food supplies were transported by air from Khartoum to southern Sudan during the first half of 1996. UNICEF delivered an additional 1,000 tons of non-food cargo overland and 250 tons by barge during the same period.

75. UNICEF southern sector continued to fund the Lokichokio relief base, which provided accommodation and catering services for the OLS/United Nations/non-governmental organization/donor and counterpart community. The base camp operated near full capacity for the period, accommodating an average of 120 relief personnel each night. A full-time security officer monitored all locations served by OLS. Regular training courses were offered to relief personnel on basic security precautions and actions.

G. Assistance to refugees

76. As recommended by the inter-disciplinary mission to the Sudan in March 1995, a census of refugees living in official settlements and camps in the eastern and central states was conducted between 23 March and 8 April 1996. The census was a collaborative effort between the Commissioner for Refugees, WFP and UNHCR.

77. Registration was conducted in all refugee camps and settlements in eastern and central Sudan. According to the census, 148,374 Eritrean and Ethiopian refugees live in UNHCR-assisted camps and settlements in Gezira, Sinnar, Gederaf and Kassala. Because of persistent insecurity, registration was postponed in the Red Sea state. Using the fourth Sudan national population census conducted in 1993 as a baseline, UNHCR calculates that 278,852 non-assisted refugees of Eritrean, Ethiopian, Ugandan, Zairian and Somali origins are living in urban areas throughout the country. In addition, 4,400 Chadian refugees have sought safety in western Darfur. The total number of assisted and non-assisted refugees residing in the Sudan at the end of the reporting period was 431,626.

78. UNHCR successfully completed its Eritrean voluntary repatriation pilot project in May 1995. No further repatriation of Eritrean refugees occurred during the period owing to strained political relations between the Governments

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of Eritrea and the Sudan. The Government of the Sudan has indicated its desire for a tripartite agreement for the repatriation. The Government of Eritrea, however, remains strongly opposed to such an approach, preferring instead to base the repatriation on separate bilateral agreements between UNHCR and the participating Governments. Spontaneous repatriation continued throughout the reporting period. According to the Eritrean Relief and Refugees Commission, 80,437 Eritrean refugees repatriated spontaneously from the Sudan during 1995.

79. Since 1993, when voluntary repatriation of Ethiopian refugees began, a total of 56,646 Ethiopians have been assisted by UNHCR with their return to various destinations in Ethiopia. Ninety per cent of the returnees repatriated to Tigray National Regional State (Region 1) and to Amhara National Regional State (Region 3). The remaining 10 per cent returned to Oromo National Regional State (Region 4) and Addis Ababa. Between 15 December 1995 and 30 June 1996, 27,204 Ethiopian refugees were assisted by UNHCR with repatriation to Ethiopia in 36 organized convoys. It is expected that 4,000 urban refugees will be repatriated to Ethiopia before land routes close at the onset of the 1996 rainy season.

80. After a year-long delay, the voluntary repatriation of Zairians from the Sudan began on 1 June 1996. The programme will airlift 457 Zairian refugees to Kisangani, Isiro and Buta in Zaire. By 30 June 1996, 168 Zairian refugees had been voluntarily repatriated to Kisangani (102) and Isiro (66).

IV. ACTION TAKEN BY MEMBER STATES

81. In addition to the activities described above, several Member States have provided information on action taken pursuant to General Assembly resolution 50/58 J.

Cyprus

82. Cyprus contributed \$1,000 to requirements set forth in the 1996 United Nations consolidated inter-agency appeal for the Sudan.

Denmark

83. For 1996, Danish humanitarian assistance to the Sudan totalled Dkr 20 million allotted to international non-governmental organizations (Danchurchaid, Danish Red Cross and Save the Children).

Finland

84. As at 30 June 1996, Finland has contributed Fmk 2.6 million for humanitarian assistance to the Sudan, of which Fmk 1.1 million were donated to the Finnish Red Cross/ICRC and Fmk 1.5 million to WFP.

Germany

85. The Government of Germany contributed DM 2,221,967 for refugee programmes in 1996, of which DM 471,967 were donated to the Gesellschaft für Technische

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Zusammenarbeit, DM 800,000 to UNFPA and DM 950,000 to the Catholic Centre for Foreign Aid.

Italy

86. For 1996, the Government of Italy projects at Lit 2.6 billion its contribution for humanitarian interventions in the Sudan in favour of Sudanese refugees in northern Uganda.

Japan

87. Assistance provided by the Government of Japan to the Sudan in 1996 is as follows: ¥4,800,000 to Japanese non-governmental organizations, SwF 400,000 to ICRC, \$690,000 to UNICEF, \$6,420,000 to WFP and an unspecified portion of \$2,940,000 allocated to WFP relief activities in Ethiopia and Somalia, in addition to the Sudan.

Liechtenstein

88. The Government of Liechtenstein has contributed SwF 10,000 to requirements set forth in the 1996 United Nations consolidated inter-agency appeal for the Sudan.

Norway

89. The Government of Norway contributed Nkr 32,686,885 to various food and non-food assistance programmes relating to humanitarian efforts in the Sudan. This assistance was channelled through programmes undertaken by the following organizations: Adventist Development and Relief Agency, Christian Michelsen Institute, Inter-Africa Group, Médecins sans frontières-Oslo, Norwegian Church Aid, the Norwegian Red Cross and WFP.

Switzerland

90. For 1996, the Government of Switzerland committed a total of SwF 4.3 million for humanitarian activities in the Sudan. Contributions were channelled primarily through operational partners, notably ICRC and UNICEF. In the case of UNICEF, Swiss Government contributions were in support of water and health programmes and in the form of four Swiss disaster relief specialists in the fields of hydrogeology and logistics.

V. CONCLUDING OBSERVATIONS

91. In April 1989, to address the humanitarian dimension of the ongoing civil war in the Sudan, the United Nations, certain international non-governmental organizations, the Government of the Sudan and the rebel movements agreed on the right to access to affected populations by United Nations organizations on the basis of the principles of neutrality, impartiality and transparency. Consequently, Operation Lifeline Sudan was launched in April 1989 to provide urgent humanitarian assistance to civilians affected by the civil war.

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92. At the time of its inception, OLS represented a unique approach in terms of how humanitarian policy can be adapted in times of internal war. It was the humanitarian programme that sought to help internally displaced and war-affected civilians in an ongoing conflict within a sovereign country, as opposed to refugees beyond its borders, and established a precedent for many humanitarian programmes that followed. The various agreements and arrangements defining OLS cooperation with the parties, including the OLS modus operandi, though in practice often subject to reinterpretation by the parties, in particular the Government of the Sudan, have been preserved as a framework for policy and operational issues. This has permitted OLS to evolve over the years from a short-term relief programme to the most far-reaching and diversified international assistance effort in the Sudan. In successive reports to the General Assembly on emergency assistance to the Sudan and in the corresponding Assembly resolutions the contribution of the Government of the Sudan in this regard has been acknowledged.

93. The tragic civil war in the Sudan, which began four decades ago and, with the exception of the period of relative calm between 1972 and 1983, has continued unabated, remains a crisis of immense proportions, which has affected the lives of millions of Sudanese. Under such circumstances, any attempt to diminish the capacity of the international community to respond to conditions of suffering and hardship among the civilian population in the Sudan can only give rise to the most adamant expressions of concern as a violation of recognized humanitarian principles, most importantly, the right of civilian populations to receive humanitarian assistance in times of war.

94. To further the purpose of humanitarian assistance efforts conducted by OLS, the Secretary-General in previous reports called upon the parties to continue and, where necessary, to improve upon their cooperation with the United Nations. The General Assembly has also urged the parties to assure safe access for persons providing relief assistance to all in need and to facilitate the movement of relief supplies and personnel, so as to guarantee the maximum success of OLS in all parts of the country.

95. On specific matters affecting OLS, the attention of the General Assembly is once again drawn to the various problem areas where, despite direct requests for cooperation to one or more of the parties, additional progress is required. These include the protection and security of relief personnel and convoys; clearance of OLS flights into southern Sudan; the extension of the March 1994 and May 1994 IGAD agreements on OLS humanitarian assistance into areas of cooperation left unaddressed by those agreements, such as modalities for the delivery of relief supplies involving cross-line convoys and access to conflict-affected areas, as well as the modalities for monitoring compliance with the relative principles and procedures; operational procedures for international non-governmental organizations based in Khartoum.

96. The restrictions imposed over the past year by the Government of the Sudan to limit OLS access to affected civilian populations have seriously disrupted planned relief operations. These actions are in contradiction to the Government of the Sudan's repeated commitments to the General Assembly to assist United Nations humanitarian efforts in the Sudan. Over the past year, events having a direct impact on OLS have prompted the Secretary-General to issue no less than

four separate public statements in which he called upon the concerned parties to take measures to redress the situation.

97. Arising in 1995 from OLS's growing difficulties on matters of access, the first comprehensive review of the Operation in its seven-year history was completed in mid-August 1996. This was made possible through donor support and the cooperation of the Government of the Sudan and rebel movements. Bearing in mind the global, regional and national significance of OLS, the review's findings and recommendations will be critically important in charting the future of humanitarian activities in the Sudan.



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CRIME PREVENTION AND CRIMINAL JUSTICE

Progress made in the implementation of General Assembly resolutions 50/145 and 50/146

Report of the Secretary-General

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I. INTRODUCTION

1. The General Assembly, at its fiftieth session, adopted resolution 50/145 of 21 December 1995 on the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and resolution 50/146 of the same date on strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity. The present report is submitted pursuant to those resolutions.

II. RECOMMENDATIONS OF THE NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

2. In its resolution 1995/27 of 24 July 1995 on the implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Economic and Social Council approved their follow-up in the context of the priority themes established for the crime prevention and criminal justice activities. The General Assembly, in its resolution 50/145, endorsed the above-mentioned resolutions and recommendations, invited Governments to be guided by them in formulating legislation and policy directives and requested the Secretary-General to submit to the Assembly a report on the measures taken to implement resolution 50/145. The activities of the United Nations Crime Prevention and Criminal Justice Programme carried out in pursuance of the mandates emanating from the Congress are described in section IV below.

3. In response to a note verbale sent by the Secretary-General requesting information on initial steps taken to give effect to the resolutions of the Congress, views and observations providing information on general and specific initiatives have thus far been received from the Governments of Austria, Bahrain, Greece, Japan, Jordan, Panama and Saudi Arabia. They also indicated that they were already implementing, or planning to implement, the various recommendations.

4. The Governments reported that they had taken steps to give effect to the various recommendations of the Congress on the four substantive topics. In respect of international cooperation and practical technical assistance, the Governments were making efforts to strengthen the rule of law through international cooperation and assistance, improving policy development, increasing the use of bilateral and multilateral agreements and promoting the establishment of integrated regional policies, programmes, plans and mechanisms to prevent crime and ensure justice. Regarding organized crime, a number of specific measures had been taken that responded to part II of Congress resolution 1, 1/ dealing with action against transnational and organized crime, particularly at the regional level, by updating domestic legislation in the area of money laundering, extradition and mutual assistance; establishing separate units to deal with organized crime and improving legislation on environmental protection. In response to part III of the same resolution, a series of steps had been taken or were under way to upgrade the training and development of law enforcement and criminal justice personnel, increase the use of non-custodial measures and improve measures against the spread of HIV and AIDS. With regard

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to part IV of the resolution, steps had been taken to improve strategies and programmes for the prevention and control of urban crime, juvenile delinquency and violent crime, including domestic violence; to deal with the problems arising from migratory flows; to improve measures against racism, xenophobia and related intolerance; and to improve the regulation of firearms.

5. In response to resolution 4 on links between terrorist crime and transnational organized crime, the Governments were initiating action at the national level in the areas of legislation, investigation and law enforcement, in order to ensure the prevention and suppression of terrorist crimes and transnational organized crime. The enhancement of international cooperation, in particular the exchange of technical information and sharing of experience in the field, was being actively pursued.

6. Regarding the implementation of resolutions 5, on the Standard Minimum Rules for the Treatment of Prisoners, and 7, on children as victims and perpetrators of crime, Governments were trying to give effect to the various requests for action. As to resolution 8, on violence against women, efforts were being made with a view to eliminating violence against women or mitigating the effects of such violence, inter alia, by updating the legislation on domestic violence and trafficking in human beings; training and raising of public awareness, improvement of curricula and working with the media; and supporting institutions and self-help groups for women subjected to violence. In response to resolution 9, on firearms, measures had been taken to tighten the regulation of certain firearms and improve action against illicit trafficking in firearms.

III. THE ROLE OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

7. The Economic and Social Council, in its resolution 1992/22 of 30 July 1992, recognized the Commission on Crime Prevention and Criminal Justice as the principal policy-making body of the United Nations in the field of crime prevention and criminal justice and requested it to coordinate relevant activities in this field. In accordance with the Programme of Action contained in the annex to General Assembly resolution 46/152, the Commission has been mandated not only to develop, monitor and review the United Nations Crime Prevention and Criminal Justice Programme, but also to mobilize support for the Programme among Member States and to coordinate the activities of the United Nations network of institutes for crime prevention and criminal justice.

8. The fifth session of the Commission on Crime Prevention and Criminal Justice was held at Vienna from 21 to 31 May 1996. It was attended by almost 600 participants from 36 of the 40 member States of the Commission, 70 other States as well as representatives of 76 intergovernmental and non-governmental organizations. Within the broader priority themes of the Programme, the following issues received particular attention at the fifth session: organized transnational crime; action against corruption; the smuggling of illegal migrants; the prevention of urban crime, proceeds of crime and money laundering; international cooperation in criminal matters, including extradition; the role of criminal law in the protection of the environment; children as victims and

perpetrators of crime; the elimination of violence against women; and the development of the criminal justice information systems. In addition, the ongoing United Nations study of the regulation of firearms was dealt with. The question of links between organized transnational crime and terrorist crimes was discussed in the context of the follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime.

9. The Commission agreed on the text of the United Nations Declaration on Crime and Public Security and recommended it to the General Assembly for adoption. The Declaration, consisting of 11 articles, affirms the necessity for all Member States to take action within their jurisdictions and pledge mutual cooperation in order to prevent and control serious transnational crime, including organized crime, illicit drug and arms trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes and the laundering of the proceeds from serious crimes.

10. The Commission also recommended for adoption by the General Assembly the International Code of Conduct for Public Officials. The Code, composed of 11 articles, includes provisions related to general principles, conflicts of interest and disqualification, disclosure of assets, acceptance of gifts or other favours, confidential information and political activity.

11. Additional highlights of the Commission's work at its fifth session are the following:

(a) The formulation of an action plan on the elimination of violence against women;

(b) Proposals for safeguards guaranteeing protection of the rights of those facing the death penalty;

(c) Proposals for the development of manuals on assistance to victims;

(d) Proposals for the establishment of an advisory steering group and a standing pool of experts on computerization in the administration of criminal justice, and further improvement of the Internet-based United Nations Crime and Justice Information Network and the United Nations Online Crime and Justice Clearinghouse;

(e) Debate on the feasibility of the establishment of an international court on the environment;

(f) Debate on the feasibility of the elaboration of international instruments on organized transnational crime and on the illicit traffic in children;

(g) Debate on further refinement of the work of the Commission, and further strengthening of the United Nations Crime Prevention and Criminal Justice Programme;

(h) Initiation of preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 2000.

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12. The Economic and Social Council, having considered the report of the Commission on Crime Prevention and Criminal Justice 2/ at its substantive session of 1996, approved all draft resolutions, as submitted to it (see Council resolutions 1996/8 to 1996/16 of 23 July 1996 and 1996/26 to 1996/28 of 24 July 1996).

IV. PROGRAMME ACTIVITIES

A. Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

13. The General Assembly, in its resolution 49/159 of 23 December 1994, approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (see A/49/748, annex, sect. I.A), adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, and urged States to implement them as a matter of urgency. The Economic and Social Council, in its resolution 1995/11 of 24 July 1995, requested the Commission on Crime Prevention and Criminal Justice to ensure and monitor their full implementation.

1. Regional Ministerial Workshop on the Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

14. Pursuant to the above-mentioned resolutions, the Regional Ministerial Workshop on the Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime was convened at Buenos Aires from 27 to 30 November 1995. The Workshop also followed up the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. It examined ways to strengthen and improve the capacity of the countries of Latin America and the Caribbean to respond to organized transnational crime and to improve the mechanisms of regional and multilateral cooperation to combat it.

15. The Workshop called for increased technical cooperation, strategic coordination, legislative action and other measures to combat organized transnational crime in all its manifestations. With a view to promoting action at both the national and the regional levels to achieve these aims, the Workshop adopted the Buenos Aires Declaration on the Prevention and Control of Organized Transnational Crime. 3/

16. In its resolution 1996/27, adopted on 24 July 1996, on the recommendation of the fifth session of the Commission, the Economic and Social Council took note of the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime. It also requested the Secretary-General to assist Member States in the implementation of the Naples Political Declaration and Global Action Plan; to establish a central repository for specific information and instruments on organized transnational crime; to continue his consultations with Governments on the possibility of elaborating a convention or conventions against organized transnational crime; to provide advisory services and technical assistance to requesting Member States; and, for the purpose of

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providing such assistance, to develop training manuals for specialized law enforcement and investigative personnel on action against organized transnational crime.

2. Prevention and control of the laundering
of the proceeds of crime

17. The Economic and Social Council, in its resolution 1994/13 of 25 July 1994, requested the Secretary-General to establish and maintain close cooperation with Member States, intergovernmental organizations and other entities active in the field of controlling the proceeds of crime, including the regular exchange of information. The Council also requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifth session on international, regional and other initiatives for the prevention and control of the laundering of the proceeds of crime, including recommendations for further concerted action at the global level, and on the implementation of Council resolution 1993/30 of 27 July 1993 on the control of the proceeds of crime. The Council, in its resolution 1995/11 of 24 July 1995, requested the Secretary-General to seek cooperation and to join efforts with other international, global and regional organizations and mechanisms that have played an active role in combating money laundering in order to reinforce common regulatory and enforcement strategies in that area.

18. Pursuant to the above-mentioned resolutions, the Secretary-General invited Governments to provide the Secretariat with information on, inter alia, initiatives for the prevention and control of the laundering of the proceeds of crime and the control of such proceeds.

19. On the basis of the information received, the Secretary-General indicated in his report to the fifth session of the Commission that an increasing amount of illicit proceeds would be directed at the world's financial systems:

"The problems facing policy makers, regulators and criminal justice systems are bound to be compounded by the increasing use of very sophisticated new technologies which provide an array of new opportunities for concealing and laundering criminal proceeds. In view of those trends, the particular needs of developing countries and of countries in transition will multiply and grow exponentially. The Division has already had an indication of this, in the form of a growing number of requests for assistance in the field of prevention and control of the laundering of the proceeds of crime." 4/

20. The Council, in its resolution 1996/27, stressed the importance of the activities carried out by the United Nations to strengthen international efforts against money laundering, including, where possible, money laundering involving the proceeds of serious crimes other than drug-related crimes, and, for that purpose, requested the Secretary-General to increase and intensify the cooperation between the Crime Prevention and Criminal Justice Division of the Secretariat and the United Nations International Drug Control Programme and to continue to work with the Financial Action Task Force and other relevant multilateral and regional institutions against money laundering. The

Commission, in its resolution 5/2, also requested the Secretary-General to consider the establishment of a joint unit between the United Nations International Drug Control Programme (UNDCP) and the Division for providing technical assistance for the control of proceeds of crime, including the prevention of money laundering.

3. Measures to combat smuggling of illegal migrants

21. In its resolution 1995/10 of 24 July 1995, the Economic and Social Council expressed its concern that a significant number of States had not yet enacted criminal legislation to combat all aspects of the smuggling of illegal migrants. At its fifth session, the Commission considered the report of the Secretary-General on the developments in respect of criminal law and other measures taken by Governments to combat the smuggling of illegal migrants. 5/ It was the third in a series of reports on the matter. The first report (A/49/350 and Add.1), submitted to the General Assembly at its forty-ninth session, had provided a comprehensive overview of the background and scope of the problem of alien smuggling and information regarding measures to combat it. The second report, 6/ submitted to the Commission at its fourth session, had provided additional information on measures to combat alien smuggling.

22. The above-mentioned reports contained information provided by 53 Governments concerning criminal law and other measures adopted, as well as the information provided by five organizations on activities undertaken to combat the smuggling of illegal migrants. The Secretary-General concluded that, given the complexity of the issues involved and the substantial role played by transnational organized crime in global criminal activity, international cooperation, particularly in trans-border law enforcement, was crucial, and measures needed to be specified and applied by all concerned. Moreover, a better common understanding of the problem to be tackled would need to be reached, and a precise, well-defined course of action pursued. To that end, and bearing in mind the increasing attention being paid and the growing importance being attached to the matter by States, more dialogue and joint action between source, transit and recipient States might be fostered, particularly across regions and in international forums, including consideration of the elaboration of a new international instrument. 7/ The Secretary-General also emphasized the importance of integrated action in this field involving other programmes and bodies within the United Nations system that deal with related issues.

4. Action against corruption

23. As mentioned in paragraph 10 above, the Commission on Crime Prevention and Criminal Justice approved the text of the International Code of Conduct for Public Officials. The Economic and Social Council, in its resolution 1996/8, recommended that the General Assembly adopt the Code and requested the Secretary-General to elaborate an implementation plan and, subject to the availability of extrabudgetary resources, to provide increased advisory services and technical assistance to requesting Member States.

5. Links between transnational organized crime and terrorist criminal activities

24. In its resolution 1995/27, section II, the Economic and Social Council decided to establish an open-ended intergovernmental working group, within the framework of the Commission, to consider, at the fifth session, the views of Member States sought by the Secretary-General on the implementation of paragraph 1 of resolution 3 of the Ninth Congress, 1/ and to consider measures for combating transnational organized crime, including the drafting of a code of conduct or other legal instrument, with due regard to the growing danger of links between transnational organized crime and terrorist criminal activities.

25. The Secretary-General submitted to the Commission a report that provided an overview of the differences and similarities between transnational organized crime and terrorist crimes, as well as a summary of the responses received from States. 2/ The report concluded that, while the links between transnational organized crime and terrorist crimes are usually more circumstantial than institutional, both forms of crime present formidable challenges to the international community and require improved international cooperation.

26. The open-ended working group established at the fifth session of the Commission carried out a comprehensive discussion of the subject. For several participants, the links between transnational organized crime and terrorist crimes were evident and well established, while many others expressed the view that there was not sufficient evidence on the existence of such links. Whereas some participants suggested that the issue should be further dealt with by the Commission, no consensus was reached in that regard.

6. The role of criminal law in the protection of the environment

27. The Economic and Social Council, in section II of its resolution 1995/27 of 24 July 1995, called upon the Secretary-General, assisted by the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the regional institutes for the prevention of crime and the treatment of offenders, to continue research, exchange of information, training and technical cooperation facilitating the development of preventive, regulatory and other strategies on the role of criminal law in the protection of the environment, with an emphasis on needs assessment and advisory services; assistance in the review or redrafting of legislation and the development of effective infrastructure; as well as training of criminal justice and regulatory agency personnel. The Secretary-General submitted to the fifth session of the Commission a short summary of recent developments and activities undertaken in implementing this mandate, as contained in his report, 3/ including the elaboration, in cooperation with the United Nations Development Programme (UNDP) and UNICRI, of a monograph on capacity-building in criminal enforcement of environmental law. The monograph identifies areas where concrete projects could be developed. It proposes elements on which technical assistance activities may focus, such as legislation, institution-building, enforcement tools, training and education.

28. In order to maintain and regulate exchange of information in the area of environmental protection, a roster of experts was established, including

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180 experts in 52 countries who provide feedback regarding the role of criminal law in the protection of the environment and the viability of the measures adopted in their respective countries and regions.

29. On 23 July 1993, on the recommendation of the Commission, the Economic and Social Council adopted resolution 1996/10 on the role of criminal law in the protection of the environment, in which it requested the Secretary-General to seek the views of Member States in order to determine the feasibility of establishing appropriate machinery for applying criminal law for the protection of the environment. It also called upon Member States to cooperate with each other and with international organizations in their efforts to prevent crimes against the environment, to include appropriate penal provisions in their laws and ensure their enforcement, and to support technical cooperation activities in environmental matters.

7. Development and promotion of mechanisms of international cooperation in the fight against organized transnational crime

30. In section I of its resolution 1995/27 on the implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Economic and Social Council requested the Secretary-General to convene, utilizing extrabudgetary resources, a meeting of an intergovernmental expert group to examine practical recommendations for the further development and promotion of mechanisms of international cooperation, including the United Nations model treaties on international cooperation in criminal matters, as well as for the development of model legislation on extradition and related forms of international cooperation in criminal matters.

31. The Secretary-General submitted to the fifth session of the Commission a note on the outcome of consultations undertaken and arrangements made for convening the intergovernmental expert group to be convened prior to the sixth session of the Commission, with a view to preparing relevant recommendations. 10/

B. Crime prevention in urban areas, trafficking in minors and juvenile justice

32. In its resolution 1995/9 of 24 July 1995, the Economic and Social Council adopted the guidelines for cooperation and technical assistance in the field of urban crime prevention and requested the Commission to ensure the publication of the guidelines in the most proper form. At its fifth session, the Commission considered the issue of the prevention of urban crime. During the debate on the issue, the guidelines for cooperation and technical assistance in the field of crime prevention were welcomed as a model for national guidelines.

33. The Ninth Congress, in its resolution 7, 1/ invited the Commission to initiate the process of requesting the views of States regarding the process of elaborating an international convention on the illicit traffic in children,

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which might embody necessary elements to efficiently combat that form of transnational organized crime. Subsequently, the Economic and Social Council, in section IV of its resolution 1995/27, requested the Secretary-General to initiate that process. In their responses, 17 States supported the elaboration of such a convention, while one considered the exercise not to be fruitful. It was noted that a comprehensive global approach against trafficking in children required more information on this phenomenon, such as the approximate number of victimized children and the routes being used for such trafficking. 11/

34. At its fifth session, the Commission recommended to the Economic and Social Council a draft resolution on measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences. In its resolution 1996/26 of 24 July 1996 on the subject, the Council invited Governments to adopt the necessary measures, in accordance with their legislation, to ensure that all persons involved in illicit trafficking in children are subject to prosecution in a manner commensurate with the seriousness of the crime. It also requested the Secretary-General to continue to gather the opinions of Governments on the elaboration of an international convention or conventions on the illicit traffic in children and to conduct a survey on the extent to which children are protected from becoming victims of illicit international trafficking. It also decided that the Commission should include in the provisional agenda of its sixth session an item on the possible elaboration of a legally binding international instrument on the illicit traffic in children.

35. In its resolution 7, the Ninth Congress recommended that the Commission should invite the Secretary-General to consider ways of elaborating a programme of action aimed at promoting the effective use and application of all relevant United Nations human rights instruments on the administration of justice, in particular with regard to children, and United Nations standards and norms in juvenile justice.

36. A preparatory meeting aimed at moving towards an integrated international strategy in this respect was held at Vienna in January 1996. It recommended that the programme of action should consist of the elaboration of an integrated international strategy on juvenile justice, to be accompanied by the development and implementation of technical assistance projects for countries facing the challenge of complying with the Convention on the Rights of the Child, in particular with respect to the application of juvenile justice instruments. It also recommended the holding of an expert group meeting to finalize the draft programme of action for consideration by the Commission at its sixth session. In addition, the expert group should discuss pilot projects on juvenile justice reform designed to ensure that the draft programme of action meets the actual needs and requirements of Member States requesting assistance in establishing or improving their juvenile justice systems. The Government of Austria offered to host such a meeting.

37. The Council, in its resolution 1996/13 of 23 July 1996 on the administration of juvenile justice, welcomed the progress made with regard to elaborating a programme of action to promote the effective use and application of international standards and norms in juvenile justice. It also invited the Secretary-General to strengthen system-wide coordination of technical assistance

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projects in the field of juvenile delinquency prevention and the establishment or improvement of juvenile justice systems. In addition, it requested him to organize, in cooperation with the Government of Austria and using extrabudgetary resources, a meeting of an expert group on the elaboration of a programme of action on juvenile justice. It also decided that the Commission at its sixth session should consider the draft programme of action.

C. Elimination of violence against women

38. The Economic and Social Council, in section IV.C of its resolution 1995/27 requested the Secretary-General to prepare a draft plan of action, in the context of crime prevention and criminal justice, on the elimination of violence against women that would provide practical, action-oriented suggestions on how to address the issue by means of, inter alia, legislative action, research and evaluation, technical cooperation, training and the exchange of information.

39. The draft plan of action was prepared, drawing on the inputs from Governments and the work of the United Nations in related areas, particularly the Fourth World Conference on Women, the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the preliminary report submitted by the Special Rapporteur on violence against women, its causes and consequences. 12/ The draft plan of action proposed a set of measures designed to bring about reform to upgrade and ensure an appropriate "fair treatment" response on the part of criminal justice systems to all forms of violence perpetrated against women and the girl child. 13/

40. On 23 July 1996, on the recommendation of the Commission, the Economic and Social Council adopted resolution 1996/12, in which it took note of the revised document produced by the Commission at its fifth session, entitled "Practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women", 14/ and requested the Secretary-General to seek the views of Member States, institutes comprising the Programme network, relevant United Nations entities and intergovernmental and non-governmental organizations on the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women and to submit a report containing the text of draft practical measures, strategies and activities, as well as a report on the views received to the Commission at its sixth session.

D. Measures to regulate firearms

41. The project on measures to regulate firearms was originally proposed by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 9, entitled "Firearms regulation for purposes of crime prevention and public safety". 1/ The Economic and Social Council, in its resolution 1995/27, requested the Secretary-General to start implementing the firearms regulation project, initiated with funds generously provided by the Government of Japan, while the Government of Canada contributed substantive expertise to design a survey questionnaire on firearms regulation in a selected

group of countries. A progress report of the Secretary-General was submitted to the Commission at its fifth session, 15/ in which the Secretary-General, having reviewed the replies of Member States to the note verbale covering the substantive issues involved in firearms regulation for purposes of crime prevention and public safety, indicated the logistical and organizational steps to be taken to implement the mandate activities.

42. As recommended by the Commission, the Economic and Social Council, in its resolution 1996/28 of 24 July 1996, endorsed the questionnaire and the guidelines for the project, 16/ and requested the Secretary-General to collect information on the basis of the above-mentioned questionnaire and guidelines and to analyze the information received with a view to preparing a more comprehensive survey of firearms regulations. Finally, the Council approved the work plan for the further implementation of the firearms regulation project, 17/ and requested the Secretary-General to submit his report to the Commission at its sixth session.

E. Statistical and computerized applications in the management of the criminal justice system

43. The Commission, at its fifth session, had before it the report of the Secretary-General on a draft action plan on international cooperation and assistance with regard to statistical and computerized applications in the management of the criminal justice system. 18/ The report reviewed the present and future development of the computerized United Nations Crime and Justice Network (UNCJIN).

44. On 23 July 1996, on the recommendation of the Commission, the Economic and Social Council adopted resolution 1996/11, entitled "International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information". The Council urged, subject to the availability of extrabudgetary funds, the establishment of an advisory steering group, administered by the Secretary-General in close coordination with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network. That group would review and assess, at the request of Member States, national experiences in the area of computerization of criminal justice operations and make follow-up logistical, technical and financial recommendations arising from its mandate.

45. On the offer of the Government of Republic of Korea, a training seminar entitled "United Nations Crime and Justice Information Network: providing information to and from developing countries" was held at Seoul in September 1996. With the assistance of five outside resource persons, the course covered the question of information management of the criminal justice system and provided a basis for the preparation of a manual on the collection and dissemination of crime and justice data through computerization and electronic networking.

46. The Secretary-General continues to expand the operations of UNCJIN, which now contains several substantive databases, 19/ including a recently established

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database on bilateral agreements on extradition, judicial/legal assistance, control of narcotic drugs and transfer of prisoners. A summary of the various electronic information dissemination activities was also included in the report of the Secretary-General to the Economic and Social Council on international cooperation in the field of informatics. 20/

F. United Nations Survey of Crime Trends and Operations
of Criminal Justice Systems

47. Since 1977, the Secretary-General has conducted quinquennial surveys of crime trends and operations of criminal justice systems, with data covering the years from 1970 to 1990. The Fifth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (1990-1994) is being carried out by the Statistics Division and the Crime Prevention and Criminal Justice Division of the Secretariat, in collaboration with the resident representatives of UNDP and the network of United Nations crime prevention and criminal justice institutes. Its results will provide statistical information for the Secretariat's publication Global Crime and Justice Report, scheduled for finalization by the end of 1997. The Programme envisages the recurrent publication of such a global report, based on subsequent periodical surveys, to further facilitate dissemination of information in the international criminal justice community. The Economic and Social Council in its resolution 1996/11 requested the Secretary-General, in concert with experts from interested States and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to supplement the Fifth Survey with a survey of national capacities for the collection of crime statistics.

G. Implementation of the United Nations standards and norms
in crime prevention and criminal justice

48. The Economic and Social Council, in section III of its resolution 1993/34 of 27 July 1993, requested the Secretary-General to commence a process of information-gathering to be undertaken by means of surveys, such as reporting systems, and contributions from other sources, initially paying attention to the Standard Minimum Rules for the Treatment of Prisoners; the Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; and the Basic Principles on the Independence of the Judiciary.

49. The Commission, at its fifth session, had before it the results of the four surveys. 21/ On 23 July 1996, on the recommendation of the Commission, the Economic and Social Council adopted resolution 1996/16, in which it invited Governments to ensure the promotion and widest possible dissemination of the standards and norms and to publish the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice in the languages of their countries. In addition, the Council requested the Secretary-General to prepare a report, for submission to the Commission at its sixth session, on the desirability of establishing an inter-sessional working group, as well as to

continue to coordinate the activities related to the use and application of the standards and norms.

50. In the surveys, Member States provided detailed information on their prison systems; their police systems, including the implementation of regulations on when and how to use force and firearms; their programmes of victim assistance, redress and compensation; as well as their judiciary. The information-gathering process is a significant milestone in promoting the use and application of United Nations standards and norms in crime prevention and criminal justice. In completing the questionnaires, countries identified achievements and shortcomings in various areas. The responses were relatively encouraging in terms of both quantity and quality of information. The sharing of experiences should encourage other countries in their efforts to use and apply the standards. The identification of needs is of considerable importance when technical cooperation and assistance projects are elaborated. Finally, the information-gathering process may facilitate technical cooperation, including a regional, subregional and/or interregional approach in promoting the use and application of the standards and norms.

1. Standard Minimum Rules for the Treatment of Prisoners

51. The survey reveals that the living conditions of prisoners vary considerably between different countries. While most countries apply the Rules to a large extent, the lack of appropriate funds for prison administration and prison management causes severe problems in meeting minimum standards for prisoners in several countries. In addition, owing to the limited use of non-custodial measures, prison overcrowding remains a major problem in many countries. As a consequence, the separation of different categories of prisoners was reported to be a challenge for prison management in a number of countries. That situation has also hindered educational and work programmes in many prisons and reduced the availability of adequate facilities for the leisure time of prisoners. In some countries, not even beds and bedding could be guaranteed to every prisoner. In addition, social services or projects aimed at the resocialization of the offender upon release were available to only a limited number of prisoners. In several countries, such services were hardly available.

2. Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

52. The survey shows that many Member States apply the instruments to a large extent. However, some countries have encountered problems in the selection of appropriate applicants and their adequate education and training, owing to a lack of adequate funds. Difficulties were also faced in some countries with regard to the proper use of force and firearms and reporting thereon. It appeared that in some countries, in particular, investigation and interviewing techniques were not limited to acceptable international standards. As regards action against corruption, investigative agencies in some countries had developed expertise in combating corruption by law enforcement officials,

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especially when this was related to organized crime and crime linked with drug abuse.

3. Basic Principles on the Independence of the Judiciary

53. According to the survey, the Basic Principles on the Independence of the Judiciary are widely applied. Only a few countries indicated that they were still struggling to improve the fundamental guarantees to ensure the independence of the judiciary in all its aspects. Responses to the survey reveal that the principle of independence of the judiciary is of central concern to many States. A large number of States are undertaking significant efforts to ensure the use and application of the Basic Principles in their national law and practice. Differences in legal systems, however, particularly between common law and civil law countries, seem to suggest different approaches to the subject of judicial independence.

4. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

54. Member States reported that many sections of the Declaration were implemented in principle. Some countries indicated that they had revised some laws and developed programmes to provide better services for victims. A number of countries had taken important steps towards improved victim assistance by introducing legislation and programmes in the spirit of the Declaration, others indicated their intent to do so. However, a major gap still existed between principle and practice. In fact, in half of the reporting countries, the programmes implemented were not being used by either the victims or the criminal justice practitioners.

55. In its resolution 1996/14, the Economic and Social Council requested the preparation of a manual or manuals on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, and called for improved information collection and exchange in this respect. Two expert meetings were envisaged to help in this effort, to be convened with extrabudgetary funds at the invitation of the Governments of the Netherlands and the United States of America. The first expert meeting was held at Tulsa, Oklahoma, from 10 to 12 August 1996, in connection with the twenty-second Annual Conference of the National Organization for Victims Assistance (NOVA) and at the invitation of the Office for Victims of Crime of the United States Department of Justice. It produced a refined basic text of a training manual, supplemented by a database scheme. They will be further considered at the next meeting, scheduled to be held at the Hague in February 1997.

5. Capital punishment and safeguards guaranteeing protection of the rights of those facing the death penalty

56. In accordance with Economic and Social Council decision 1994/206 of 3 February 1994, the fifth quinquennial report of the Secretary-General on capital punishment and the implementation of the safeguards 22/ was submitted to

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the Council at its substantive session of 1995. At that session, the Council adopted resolution 1995/57 of 28 July 1995, in which it invited Member States to reply to the Secretary-General's questionnaire for the preparation of the sixth quinquennial report in the year 2000, and to provide him with the information requested. In the same resolution, the Commission was asked to examine the fifth quinquennial report at its fifth session. Accordingly, a revised report, consolidating and integrating the additional information received, was considered by the Commission at its fifth session.

57. The Economic and Social Council, in its resolution 1996/15 of 23 July 1996, adopted on the recommendation of the Commission, noted that during the period 1990-1995, an increasing number of countries had abolished the death penalty and others had followed a policy of reducing the number of capital offences, declaring that they had not sentenced any offender to that penalty, while still others had retained it and a few had reintroduced it. The resolution also called upon Member States in which the death penalty had not been abolished effectively to apply the safeguards guaranteeing protection of the rights of those facing the death penalty, and encouraged such Member States to ensure that each defendant facing a possible death sentence was given all guarantees for a fair trial.

6. Standards and norms of juvenile justice

58. In accordance with Economic and Social Council resolution 1995/13 of 24 July 1995, the Secretary-General developed a questionnaire on the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, which was considered by the Commission at its fifth session. The report of the Secretary-General on the results of this survey will be submitted to the Commission at its seventh session.

H. Technical cooperation

59. The report of the Secretary-General of 14 September 1995 (A/50/432) dealt in some detail with policy issues related to operational activities, including the Programme's place in development assistance, particularly as relates to strengthening programme capacity. The report of the Secretary-General on technical cooperation and advisory services of the Programme that was submitted to the Commission at its fifth session, 23/ provided a detailed update on the activities undertaken, including advisory services, training, fellowships and contributions to peacekeeping operations. It also touched on the changing functions of the interregional advisers on crime prevention and criminal justice, efforts to overcome the reluctance of aid agencies to provide assistance in this field and the growth of requests for assistance. Summarized below is an update on the activities undertaken since the preparation of the last report to the General Assembly.

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60. At its fifth session, the Commission on Crime Prevention and Criminal Justice adopted resolution 5/2, entitled "Technical cooperation and interregional advisory services in crime prevention and criminal justice", in which it reaffirmed the high priority attached to technical cooperation and advisory services as a means for the Programme to respond to the needs of the international community in the face of both national and transnational criminality, as well as the importance of continuing to improve and strengthen the operational activities of the Programme. In its resolution 5/3, entitled "Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme", the Commission decided to establish an informal consultative group on resource mobilization.

1. Advisory services

61. Technical missions, undertaken at the request of Governments, continued to represent a major part of the activities undertaken by the interregional advisers, 24/ which have changed considerably over the last two years. Countries, in their requests, have not only called for needs assessments or short-term advisory services but, increasingly, for operational activities to be planned, designed and carried out. As a result, 27 project proposals, covering a wide range of criminal justice and crime prevention issues, were prepared during the year. Noting the continued resistance of aid agencies and potential donor countries to funding activities in criminal justice, the Secretary-General underlined the fact that, in the end, the operational value of the Programme would be judged on its capacity to formulate and implement technical cooperation projects to satisfy the needs and expectations of Member States.

62. The Crime Prevention and Criminal Justice Division continued to coordinate its activities closely with other relevant entities and organizations, as well as with funding agencies and other partners. The move "from coordination to partnerships", as described in the last report to the General Assembly (A/50/432, paras. 116 and 117), has gained momentum, as demonstrated by the signature of a memorandum of understanding between the Regional Bureau for Europe and the Commonwealth of Independent States of UNDP and the Division. Additionally, in a growing number of cases, funding and logistic support for the missions undertaken was provided by UNDP or by countries interested in the services of the Division.

63. The missions dealt with a large variety of problems, such as measures against organized and economic crime (Kyrgyzstan, jointly with UNICRI), prevention of organized criminality, drug-related crimes and terrorism (Pakistan, jointly with UNDCP), drug-trafficking and corruption (Romania, jointly with UNDCP), assessment of the organization and training requirements for law enforcement officials (Angola, Burundi, South Africa), reform of juvenile justice (Albania, Burkina Faso, South Africa), the establishment of a witness protection scheme (South Africa), and the assessment of conditions in the correctional system, prison reform and training (Albania, Barbados, Brazil, South Africa). Collaborative activities were also implemented with other partners, including the Department for Development Support and Management Services, the Commission on Human Rights, the Department for Peacekeeping

Operations and institutions such as the International Scientific and Professional Advisory Council and the Swedish Raoul Wallenberg Institute of Human Rights and Humanitarian Law, resulting in joint missions, workshops and project development.

2. Training

64. During the reporting period, the Crime Prevention and Criminal Justice Division received more than 30 requests for training in the areas of correctional services, police, organized crime, drug trafficking, juvenile justice and crime prevention. Most of the requests, received from developing countries, Africa, in particular, and countries with economies in transition, called for practical training of criminal justice practitioners.

65. Following past practice, many training activities were carried out in cooperation with other organizations. The Division's activities centred on police, judicial staff and prison personnel. For example, in the framework of a national project aimed at reforming the judicial institutions in Burkina Faso, the Division, with funds provided by the Government of France, conducted a series of training seminars for judges, officers of the relevant ministries, administrators of correctional services and police officers, on juvenile justice (1-28 March 1996). In cooperation with the United Nations African Institute on the Prevention of Crime and the Treatment of Offenders, the Division organized at Kampala a workshop on the training of trainers of the custodial corps of Malawi, Uganda and the United Republic of Tanzania (10-14 July 1995). The Basic Training Manual for Correctional Workers, prepared by the International Scientific and Professional Advisory Council, was the main training tool for the workshop. The Manual was also used in a training seminar for prison personnel held in Brazil (28 August-2 September 1995). In Burundi, the Division cooperated with the Raoul Wallenberg Institute, the Swedish International Development Agency and the office of the Special Representative of the Secretary-General, in organizing a series of six training seminars for Burundian police officials and military officers with responsibility for internal security (winter 1995). As part of this initiative, a manual for use by the local police was prepared, based on the contents of the handbook on United Nations standards for peacekeeping police and national police regulations.

3. Fellowships

66. For the first time, the Division organized a programme of fellowships in the field of crime prevention and criminal justice for developing countries and countries with economies in transition, funded from the regular budget for technical cooperation. Under the fellowship programme, which permits candidates to undertake practical studies in crime prevention, criminal justice or the relationship between crime and development, criminal justice professionals from China, the Cook Islands, the Dominican Republic, Guinea, Jamaica and India were selected. A senior prosecutor of Burundi also received the Leo Rosenthal Fellowship in juvenile justice.

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4. Contributions to United Nations peacekeeping operations

67. The role of crime prevention and criminal justice in the maintenance of peace and security was emphasized by the General Assembly in its resolution 46/152 of 18 December 1991. In paragraph 13 of its resolution 50/146, the Assembly took note of the contributions of the United Nations Crime Prevention and Criminal Justice Programme to United Nations peacekeeping and special missions, and to their follow-up, inter alia, through advisory services, and encouraged the Secretary-General to recommend the inclusion of the re-establishment and reform of criminal justice systems in peacekeeping operations.

68. During the period under review, the Division provided assistance, in particular, to the operations deployed in Angola, Bosnia and Herzegovina, Haiti, Rwanda and the former Yugoslav Republic of Macedonia. The assistance rendered included successive short-term missions, the provision of expert advice and the development of proposals for long-term projects. Based on a request from UNDP and the International Civilian Mission in Haiti (MICIVIH), the Division prepared a programme for penal reform, including a system of registration of prisoners, establishment of a penal administration system, training of prison wardens and renovation of prisons, funded jointly by UNDP and the United States Agency for International Development. Further, in cooperation with the French Ecole nationale de la Magistrature, a training seminar for prosecutors was organized in Port-au-Prince. In Kigali, the Division participated in the UNDP round table on the mid-point review of the assistance rendered to Rwanda, providing expertise and advisory services in connection with the projects of UNDP and the Department for Development Support and Management Services on the rehabilitation of the judicial system and the correctional services of the country. In Angola, the Division assisted in assessing the country's criminal justice and crime prevention needs, the reform of penal legislation, training of criminal justice personnel and rehabilitation of correctional services. Related project proposals are under preparation.

69. Further, the Division, in cooperation with the Government of Austria and the Training Unit of the United Nations Peace Forces (UNPF), organized the Third Workshop for United Nations Civilian Police (CIVPOL) Station Commanders of UNPF. In the former Yugoslav Republic of Macedonia, the Division undertook a mission to advise officials of the Ministry of the Interior on the implementation of five national programmes, concerning, respectively, crime prevention, anti-corruption measures and measures against drug trafficking, money laundering and organized crime. Based on a request by UNPF civilian police, the Division fielded a mission to Bosnia and Herzegovina. Despite the interest expressed in these projects, inter alia, by the countries where these peacekeeping missions are carried out, subsequent project proposals related to training needs of the civilian police of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), the International Police Task Force (IPTF) of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and the local police forces, including the establishment of a focal point for strengthening of criminal justice institutions, have so far received little support. However, a joint project of the Division and the Reconstruction and Development Support Unit of the Department for Development Support and

Management Services, on strengthening the structures of the administration of justice in Bosnia and Herzegovina, was approved for funding by UNDP.

70. Follow-up activities included participation in a joint mission with an Austrian police expert team to analyse the present structure and training needs of local police forces in Bosnia and Herzegovina. Recommendations resulting from this mission provided the basis for the formulation of training and education requirements for IPTF in the restructuring of the local police forces. Further, the Division joined the United Nations International Drug Control Programme in an assessment mission on drug-related issues with the purpose of establishing contacts with the relevant authorities of Bosnia and Herzegovina. The Division also contributed to a number of conferences and training courses, such as the Conference on the Preparation of the Civilian Personnel of United Nations Peacekeeping Operations, organized by the Austrian Study Centre for Peace and Conflict Resolution, and the International Round Table on Human Rights in Bosnia and Herzegovina, both held in Austria; the training course on the civilian personnel of peacekeeping/humanitarian operations and the election monitoring missions, held at the University of Pisa, Italy; and the training course for representatives of non-governmental organizations of countries of the Commonwealth of Independent States, also held at the Austrian Study Centre for Peace and Conflict Resolution.

71. The Commission, in its resolution 5/2, 1/ commended the contribution of the Programme to such missions and their follow-up, and requested the Secretary-General, subject to the availability of extrabudgetary resources, to develop further training materials for peacekeeping police.

5. Collection and exchange of information on technical assistance activities

72. The Economic and Social Council, in its resolution 1994/22 of 25 July 1994, requested the Secretary-General to establish a database on technical assistance, integrating the needs of Member States, particularly developing countries. In addition, the Secretary-General was requested in Council resolution 1995/12 of 24 July 1995, subject to the availability of extrabudgetary funds, to establish a regional database for central and eastern Europe.

73. In pursuance of the above mandate, efforts to collect the relevant information for the establishment of the database continued within existing resources. At the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, a series of one-to-one interviews was conducted with all of the delegations from least developed countries and some others. The interviews highlighted the fact that the least developed countries required considerable assistance for the development of one or more aspects of their criminal justice systems. Twenty-three countries responded to a note verbale of the Secretary-General requesting information on technical assistance needs of Member States, as well as technical assistance provided in crime prevention and criminal justice. Out of these, 15 offered substantive information on a total of 56 technical assistance projects. 25/ These figures do not include information on assistance to central and eastern Europe, as this information was collected by the European Institute for Crime Prevention and Control, affiliated

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with the United Nations, which had received extrabudgetary funding to establish and manage a pilot database for that subregion.

I. Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

74. Since 1955, 26/ the quinquennial United Nations Congresses on the prevention of crime and the treatment of offenders have been organized in pursuance of General Assembly resolution 415 (V) of 1 December 1950. Their importance has been reaffirmed in numerous resolutions by the policy-making bodies of the United Nations. During the last 40 years, the Congresses have served as global events and worldwide forums, influencing national policies, mobilizing public opinion, recommending lines of action at the national, regional and international levels, and focusing attention on major issues of concern to Member States and the professional and scientific community.

75. Over the years, the Congresses have undergone a significant transformation. From what was primarily a meeting of experts, following a long-established tradition inherited by the United Nations from the International Penal and Penitentiary Commission, the Congresses became major intergovernmental conferences.

76. The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, was the first Congress convened after the restructuring of the United Nations Crime Prevention and Criminal Justice Programme, and reflecting its new function and format, as outlined in the annex to General Assembly resolution 46/152. The Ninth Congress enhanced its practical and scientific value through problem-oriented workshops, demonstrations of different approaches to facilitate technical assistance and cooperation, and special sessions devoted to the discussion of priority issues of direct interest to all countries.

77. In initiating the preparations for the Tenth Congress, the Secretary-General requested Governments to submit their views on the theme of the forthcoming Congress, its format, agenda and workshop topics. The views of the Governments were summarized in the report of the Secretary-General to the fifth session of the Commission on proposals for the preparation of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. 27/ The Commission considered the report and, in its resolution 5/1, invited States that had not yet done so to respond to the Secretary-General's inquiry. It also requested the Secretary-General to summarize the views received from States, agencies and programmes of the United Nations system and other relevant intergovernmental and non-governmental organizations concerning the proposals for the theme, format, agenda items, workshop topics and possible venue of the Tenth Congress, for consideration by the Commission at its sixth session.

J. Publications

78. Special issues of the United Nations Crime Prevention and Criminal Justice Newsletter have been published: Nos. 24/25 on the International Conference on

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Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: a Global Approach, Courmayeur, 1994; Nos. 26/27 on the World Ministerial Conference on Organized Transnational Crime, Naples, 1994; and Nos. 30/31 on the third and fourth sessions of the Commission on Crime Prevention and Criminal Justice. The United Nations Manuals on the Model Treaty on Extradition and on the Model Treaty on Mutual Assistance in Criminal Matters were published in the International Review of Criminal Policy. A booklet entitled "United Nations and Crime Prevention", containing an overview of the work of the United Nations in this area, has been issued. The publication of the report on the United Nations Crime Prevention and Criminal Justice Programme network was made possible through the generous contribution of the Asia Crime Prevention Foundation (ACPF) and the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. The Handbook of the United Nations Crime and Justice Information Network, intended to serve as an introductory guide to using the network on the Internet, and two issues of Trends: UNCJIN Crime and Justice Letter (vol. 2, Nos. 3 and 4) were also published.

V. STRENGTHENING PROGRAMME CAPACITY

A. Provision of resources

79. Because of urgent and growing needs, Member States continued to express the wish for the capacity of the Programme to be further strengthened. Thus, the General Assembly, in its resolution 50/145, requested the Secretary-General to pay particular attention to the operational aspects of the follow-up to the Ninth Congress in order to assist interested States in strengthening the rule of law by reinforcing their national machinery, promoting human resource development, undertaking joint training activities and executing pilot and demonstration projects. Furthermore, the Assembly, in its resolution 50/146, reaffirmed the high priority attached to technical cooperation and advisory services, stressed the importance of continuing to improve the operational activities of the Programme, particularly in developing countries and countries in transition, and requested the Secretary-General to continue to strengthen the Programme by providing it with the resources necessary for the full implementation of its mandates.

80. The series of major conferences and meetings held in recent years, 28/ along with relevant resolutions of the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, have helped to define more clearly the parameters for the Programme's technical assistance activities. The Secretary-General, in his report on progress made in the implementation of General Assembly resolution 49/158, submitted to the last session of the General Assembly, had already indicated that the degree to which the Programme could respond to the needs of Member States "will depend largely on the operational capacity of the Programme to render the necessary aid ... Some steps in this direction have been taken, but much more is clearly required if the chasm between the needs in this field and the international response is, if not bridged, then at least reduced" (A/50/432, para. 22).

81. In section III, paragraphs 29 and 30 of its resolution 50/214 of 23 December 1995, the General Assembly approved the upgrading of the Crime

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Prevention and Criminal Justice Branch to a division, including the reclassification of the D-1 post of Chief of the Branch to the D-2 level and the establishment of two new P-3 posts. In the same resolution, the Assembly also approved other resources for technical cooperation activities, under section 20, Regular programme of technical cooperation, of the programme budget for the biennium 1996-1997. Owing to the cost-saving measures, however, these new posts have remained frozen, while a number of planned activities had to be postponed.

82. The disparity between the call of the General Assembly for the upgrading of the Programme, on the one hand, and the actual available resources, on the other, was pointed out by the Commission on Crime Prevention and Criminal Justice at its fifth session. The Commission called for a careful allocation of resources among the budget sections, taking into account the priority considerations underlying the decision of the Assembly to increase staff resources in the relevant budget section, specifically section 13, Crime control, where two additional Professional posts had been approved for the current biennium. The Commission acknowledged that the deferment of certain activities, in particular the organization of three expert group meetings, would negatively affect the substantive work of the Commission.

83. The Commission, in its resolution 5/2 on technical cooperation and interregional advisory services in crime prevention and criminal justice, 1/ requested the Secretary-General to explore with Member States the establishment of a mechanism for resource mobilization and coordination of activities in the area of technical assistance. The Commission also decided to include, under the relevant item of the agenda for its sixth session, a separate topic on funding of international technical assistance in crime prevention and criminal justice. In its resolution 5/3 on strategic management of the Programme by the Commission, the Commission decided to exercise more vigorously its mandated functions of resource mobilization and, for this purpose, to establish an informal consultative group, to be composed of the bureau of each session and of those Member States that in the preceding biennium contributed to the United Nations Crime Prevention and Criminal Justice Fund or in other concrete ways to the Programme. The informal consultative group would report to the Commission on the activities undertaken and results achieved.

84. In response to the above-mentioned resolutions, and with the support of the Chairman of the Commission, an organizational meeting for the establishment of an informal consultative group on resource mobilization in crime prevention and criminal justice was held at Vienna on 5 July 1996. The Chairman, on that occasion, underlined that Member States, if they wanted the Programme to become operational beyond the present level, had to find ways to secure the necessary resources. Establishing a mechanism with a view to ensuring that needs were met and resources mobilized in a coordinated manner, and a continuous dialogue established and maintained, would serve the interest of all the parties involved. The organizational meeting considered the role of the informal consultative group and the action necessary in the preparation of its first substantive meeting, to be held on 16 October 1996.

85. In section III, paragraph 31, of its resolution 50/214, the General Assembly requested the Secretary-General to review the adequacy of resources made available for crime prevention activities at the regional level. It should

be recalled that the activities of the regional institutes, including their financial situations, were reviewed by the Commission on the basis of a report prepared by the Secretary-General. 29/ It should be noted that, as reflected in the other report submitted to the Assembly (A/51/450), the African Institute received a grant of US\$ 204,800 for the biennium 1996-1997 within the overall appropriations for the Economic Commission for Africa (ECA). The regional Commissions have not yet included crime prevention and criminal justice in their regular programme of activities. However, a new regional adviser on drug abuse and crime prevention has recently been appointed in ECA, while at the Economic and Social Commission for Asia and Pacific (ESCAP), a regional adviser post is financed by the Government of Japan.

B. United Nations Crime Prevention and Criminal Justice Fund

86. The Programme, in response to requests from Member States, also undertook to develop further the Crime Prevention and Criminal Justice Fund so that it could become a more useful instrument for supporting technical cooperation activities for the benefit of Member States. The Crime Prevention and Criminal Justice Fund was established in 1967, pursuant to Economic and Social Council resolution 1086 B (XXXIX) of 30 July 1965, and was included in the annual United Nations Pledging Conference for Development Activities in pursuance of General Assembly decision 34/440 of 17 December 1979. 30/

87. The Fund has been used to finance such operational activities as needs assessment missions to Cambodia and the Russian Federation; the formulation of technical cooperation projects for those two countries; partial project execution (preliminary phase) for Cambodia; organization of training activities for civilian police of the United Nations Protection Force (UNPROFOR) in Austria, as well as the provision of advisory services and training in, inter alia, Burkina Faso, Burundi, Rwanda, and Gaza for the Police of the Palestinian Authority; reprinting of the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice; other publications, including the Handbook for United Nations Civilian Police (the "blue book") and the Manual on Domestic Violence; and engagement of consultants for input to project formulation and advisory services.

88. Contributions to the Fund can be either general purpose or earmarked for specific operational activities or for operational activities in a specific region. In the biennium 1994-1995, the following States contributed to the Crime Prevention and Criminal Justice Fund: 31/ Italy, \$617,800; 32/ Japan, \$159,895; 33/ France, \$123,877; 34/ Sweden, \$34,535; 35/ Austria, \$30,646; and Argentina, Belgium, Brazil, Canada, Germany, Oman, the Republic of Korea and Sri Lanka, amounts under \$25,000.

C. Cooperation and coordination of activities with United Nations bodies and other entities

89. Cooperation and coordination of activities with other entities continued to be actively pursued, particularly since the restructuring of the United Nations Crime Prevention and Criminal Justice Programme. There have been two decisive

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factors in this development. First, considering the current level of the human and financial resources of the Division, cooperation and coordination with other entities has been, and will remain, a condition for the successful implementation of many of the mandates of the Programme. Secondly, the enhancement of efficient and fair criminal justice systems is an essential element of democratic development, and therefore a number of United Nations programmes, as well as numerous intergovernmental and non-governmental organizations, might provide assistance in this area.

90. The General Assembly, in its resolution 50/146, requested the Secretary-General to take all necessary measures to assist the Commission on Crime Prevention and Criminal Justice, as the principal policy-making body in the field, in performing its functions and to ensure the proper coordination of all relevant activities, in particular with the Commission on Human Rights, the Commission on the Status of Women and the Commission on Narcotic Drugs.

91. The Secretary-General submitted two reports on this subject to the Commission at its fifth session: the first on cooperation and coordination of activities in crime prevention and criminal justice, including activities in cooperation with the United Nations International Drug Control Programme (UNDCP); 36/ and the second on the activities of the institutes comprising the United Nations crime prevention and criminal justice programme network. 29/ In those reports, the collaborative efforts undertaken by the Crime Prevention and Criminal Justice Division were highlighted, focusing in particular on cooperative arrangements with UNDCP, UNDP and the Centre for Human Rights. Collaboration with intergovernmental and non-governmental organizations, as well as other entities, continued to play an important role in the development of the Programme's technical assistance operations.

92. For example, UNDCP provided cooperation during the Ninth Congress on the Prevention of Crime and the Treatment of Offenders by organizing a workshop on "Extradition and international cooperation: the exchange of national experience and implementation of relevant principles in national legislation". Both entities were represented in each other's policy-making bodies. Technical assistance activities were undertaken jointly in Belarus and Ukraine. Joint assessment missions were also conducted in Angola, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Uzbekistan. In addition, the UNDCP field offices offered assistance to advisory missions undertaken by the interregional advisers. Collaboration was especially important with the UNDCP legal assistance programme. Of great importance, in connection with the follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, was the formulation of a joint proposal for a global project on money laundering and control of the proceeds of crime.

93. Efforts to strengthen cooperation with the Centre for Human Rights included attendance by both entities of the annual sessions of the policy-making bodies concerned, as well as ad hoc meetings on possibilities of collaborative action in operational projects in, inter alia, Haiti and Rwanda. The two entities also cooperated in the area of the rights of victims of crime and the abuse of power. Discussions on further cooperation centred, in particular, on the joint development of manuals and other working materials on the administration of

justice for law enforcement officials, magistrates and prosecutors, as well as on juvenile justice and the treatment of offenders.

94. Significant progress was made in achieving closer cooperation with UNDP and the Department for Development Support and Management Services of the Secretariat. UNDP resident representatives assisted in carrying out advisory missions and in developing follow-up projects. The needs assessment missions in support of democracy, governance and participation to Armenia and Azerbaijan, carried out by the Regional Bureau for Europe and the Commonwealth of Independent States of UNDP with the participation of the Division (February and July 1996), demonstrated that in this joint programming that the Regional Bureau and the Crime Prevention and Criminal Justice Division are pursuing, crime prevention and criminal justice requirements can be included at all stages, starting with the country strategy notes, through country profiles, to the cooperation frameworks and programme support documents.

95. The United Nations Crime Prevention and Criminal Justice Programme network continued to deliver numerous and varied programme services throughout the various regions. The main activities of the institutes generally focused on the priority items established by the Commission. Collaboration with the United Nations Crime Prevention and Criminal Justice Programme network was particularly manifest in the preparations for the Ninth Congress. The Tenth Coordination Meeting of the Programme network was held at Courmayeur, Italy, in October 1995 at the invitation of the International Scientific and Professional Advisory Council.

96. Contacts were maintained with a large number of intergovernmental and non-governmental organizations by exchanging information on issues of mutual concern, as well as on the funding of specific projects. These included the Organisation for Economic Cooperation and Development, the Financial Action Task Force on Money Laundering, the Economic Commission for Europe, the Organization for Security and Cooperation in Europe, the Commonwealth Secretariat, the Council of Europe, the Agency for Cultural and Technical Cooperation and the International Criminal Police Organization. Especially fruitful cooperation was established with the Agency for Cultural and Technical Cooperation, which funded and organized the printing and dissemination of additional copies of the Compendium of United Nations standards and norms in crime prevention and criminal justice in French, as well as the translation into French of the Basic Training Manual for Correctional Workers, and provided financial support also for the implementation of a comprehensive project in assistance to the criminal justice system for Burkina Faso, which was undertaken in March 1996.

97. Non-governmental organizations and other entities continued to contribute significantly to the work of the Programme through a variety of means, ranging from the exchange and dissemination of information and participation in expert meetings, training courses and seminars to the development of working materials and other publications.

D. Strategic management of the Programme

98. The question of the strategic management of the Programme has preoccupied the Commission on Crime Prevention and Criminal Justice since its inception. While most United Nations entities develop and implement strategies to achieve their programme objectives, the Commission appears to be the only entity to invoke the concept of "strategic management". The ongoing discussion has focused on the general principle, as well as on specific aspects of strategic management. At its fourth session, the Commission adopted resolution 4/3, 37/ on the provision of information in accordance with the plan for strategic management, elaborated in the annex to Commission resolution 1/1. Moreover, General Assembly resolutions 50/146 and 50/214 contain specific provisions on strategic management, including requests for full implementation of the relevant Commission resolutions.

99. Strategic management involves a number of core functions: the definition of the programme objectives in line with the perceived mission and, if possible, the identification of specific targets in a given time-frame; the setting of priorities; an indication of the activities to be carried out in phases; monitoring of their implementation; and evaluation of the results, with a view to replicating successes and correcting possible inadequacies. Bearing in mind the financial crisis facing the United Nations, with its chronic resource constraints, a further aim is to maximize the means available, where possible by integrating efforts and by focusing on key issues that are likely to have a multiplier effect. While the United Nations programme planning, budgeting and evaluation procedures provide detailed guidelines in this respect, they should be supplemented by the insights and guidance of the Commission.

100. In its resolution 5/3, on strategic management, the Commission reaffirmed the fundamental role of the medium-term plan and regular budget of the United Nations as the framework for exercising the functions of the Commission relating to the strategic management of the Programme, and took note of the draft medium-term plan for the period 1998-2001. It also recognized the importance of the contribution that its bureau could make in advancing the work of the Programme, made specific suggestions in that regard, and decided to exercise more vigorously its mandated functions of resource mobilization by establishing an informal consultative group.

VI. CONCLUDING REMARKS

101. Having reviewed the steps taken towards the implementation of General Assembly resolutions 50/145 and 50/146, including other relevant mandates in this area, it can be concluded that the credibility of the United Nations Crime Prevention and Criminal Justice Programme will be measured, to a large extent, by its ability to provide effective support to requesting countries in drafting legislation, creating independent systems for the administration of justice, establishing police forces that are respectful of the rule of law and setting up national institutions for protecting fundamental human rights. These measures, in turn, will determine the credibility of Governments and people's faith in them.

102. Since 1991, thanks to the catalytic effects of the work of the Commission on Crime Prevention and Criminal Justice, the Programme has been able to establish itself as an instrument and focus of international cooperation and technical assistance in the area of crime prevention and criminal justice. This has been illustrated by the increasing number of requests received and the activities successfully undertaken. The Programme's technical assistance activities in crime prevention and criminal justice must continue to cover a broad range of topics, including an enhanced capacity for general policy development, as well as the provision of advice on highly technical matters in specific areas.

103. Nonetheless, the achievement of a satisfactory state of affairs is still a long way off. The dramatic increase in the needs of Member States in this field has continued unabated. Significant gaps remain to be filled in order to meet the goals that have guided the restructuring of the Programme. The transnationalization of crime has made international cooperation against it an urgent priority. There is much that still needs to be done to fulfil those goals and to achieve maximum Programme effectiveness. The demands placed on the Programme have expanded very rapidly, without a commensurate increase in its resource allocation. The Commission has made recommendations to release resources from activities of low priority to others of high priority, but even this is a stop-gap measure in view of the plethora of requests. The efforts to expand partnerships with other United Nations entities, specialized agencies, institutes and non-governmental organizations, while instrumental in rationalizing the use of some resources, also suffer from inherent constraints.

104. The programme measures currently under way can have only a relatively small impact, since the resource base of the Programme remains one of the smallest in the entire United Nations budget. The basic issue will thus continue to be that of the overall resources assigned for this purpose, and it should be addressed through broader policy and budgetary measures. The existing gap in resources can only be filled by Member States, and voluntary contributions for project implementation will be vital. But without such measures, the Programme will not be able to meet the expectations its renewal and the emphasis on its operationalization have raised among Member States. The importance of security and the rule of law for sustainable development, governance and democratization has been emphasized repeatedly. It is time to translate these goals into concrete terms for the benefit of all.

Notes

1/ See A/CONF.169/16, chap. I.

2/ See Official Records of the Economic and Social Council, 1996, Supplement No. 10 (E/1996/30).

3/ See E/CN.15/1996/2/Add.1.

4/ E/CN.15/1996/3, para. 104.

5/ E/CN.15/1996/4.

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- 6/ E/CN.15/1996/3.
- 7/ E/CN.15/1996/4, para. 42.
- 8/ E/CN.15/1996/7 and Corr.1.
- 9/ E/CN.15/1996/8.
- 10/ E/CN.15/1996/6.
- 11/ See E/CN.15/1996/10.
- 12/ E/CN.4/1995/42.
- 13/ See E/CN.15/1996/11 and Corr.1.
- 14/ E/CN.15/1996/CRP.12.
- 15/ E/CN.15/1995/14 and Corr.1.
- 16/ E/CN.15/1996/CRP.5.
- 17/ Official Records of the Economic and Social Council, 1996, Supplement No. 10 (E/1996/30), paras. 73 and 74.
- 18/ E/CN.5/1995/13.
- 19/ The United Nations Crime and Justice Network (UNCJIN) is located at the following Internet address:
- <http://www.ifs.univie.ac.at/~uncjin/uncjin.html>.
- 20/ E/1996/81.
- 21/ E/CN.15/1996/16/Add.1-4.
- 22/ E/1995/78 and Add.1 and Add.1/Corr.1.
- 23/ E/CN.15/1996/8.
- 24/ An overview on operational activities carried out from 1 May to 31 December 1995 is contained in E/CN.15/1996/CRP.10.
- 25/ For further details see report of the Secretary-General on technical cooperation and advisory services of the United Nations Crime Prevention and Criminal Justice Programme (E/CN.15/1996/8), paras. 66-72.
- 26/ The First Congress on the Prevention of Crime and the Treatment of Offenders was convened at Geneva in 1955; the Second Congress in London in 1960; the Third Congress at Stockholm in 1965; the Fourth Congress at Kyoto, Japan in 1970; the Fifth Congress at Geneva in 1975; the Sixth Congress at Caracas

in 1980; the Seventh Congress at Milan, Italy, in 1985; the Eighth Congress at Havana in 1990; and the Ninth Congress at Cairo in 1995.

27/ E/CN.15/1996/15.

28/ Such as the World Ministerial Conference on Organized Transnational Crime, held in 1994, and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in 1995.

29/ E/CN.15/1996/21 and Corr.1 and 2.

30/ By its resolution 1086 B (XXXIX), the Economic and Social Council decided to establish the United Nations Trust Fund for Social Defence. In accordance with paragraph 44 of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme (General Assembly resolution 46/152, annex), the Fund was renamed the United Nations Crime Prevention and Criminal Justice Fund.

31/ The figures provided include both contributions and pledges. Not all pledges had been received by 30 April 1996.

32/ The annual contribution of Italy is used to support the functioning and operations of the International Scientific and Professional Advisory Council and UNICRI.

33/ The contribution of Japan was earmarked for a project on the control of firearms.

34/ The contribution of France was earmarked for the preparation of the Ninth Congress and for a technical cooperation project in Burkina Faso.

35/ The contribution of Sweden was earmarked for two training courses for Palestinian police.

36/ E/CN.15/1996/20.

37/ Official Records of the Economic and Social Council, 1995, Supplement No. 10 (E/1995/30).
